



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.12668 of 2026
Date of decision : 13.3.2026
Date of uploading : 13.3.2026**

Nishan Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. M.S. Khaira, Senior Advocate with
Mr. Jaswinder Singh, Advocate, for the petitioner

Mr. Gaurav Gurcharan S. Rai, Senior DAG, Punjab

Mr. SPS Aulakh, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.21 dated 5.10.2024 under Sections 406, 420 of the IPC, registered at Police Station NRI, District Bathinda.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, Hon'ble NRI Minister, Punjab. Application: Regarding misappropriation with Sangha Education Socfety Village Sangha, District Mansa, Registration no. 1922. 1. Jasjit Kaur Sandhu (NRI/Canada) working as Secretary, Sangha Education Society, Village Sangha, District Mansa. I am giving this application (complaint) against L. Nishan Singh



Virk Mobile 8146400759 (Treasurer) resident of village Lohar Khera/Sangha, Police Station and Tehsil Sardulgarh District Mansa 151507, 2. Karamjit Kaur Virk Mobile 9464981110 wife of Nishan Singh Virk (Treasurer) resident of village Lohar Khera/Sangha, Police Station and Tehsil Sardulgarh District Mansa 151507. My brother Manmeet Singh Sandhu (NRI Calgary, Canada) Chairman Sangha Education Society, is resident of Canada. A school and a college are run under this society. The Chairman and Secretary of this society are residents of Canada and the financial responsibility to run this society was with Nishan Singh Virk (Treasurer). Whenever the Chairman Manmeet Singh Sandhu asked for financial details of the society from Canada on phone (whatsapp), then Nishan Singh Virk used to avoid the same. During this we were unable to come to India due to COVID. When no details were given, then resultantly we came to India in July 2024. After coming to India, we asked for financial detail from Nishan Singh Virk but he replied that financial work looks after by his wife Karamjit Kaur. All the members objected to this disclosure and were very surprised, because regarding this no resolution was passed in the society. This all was done by Nishan Singh Virk with his own consent. Nishan Singh Virk and his wife Karamjit Kaur Virk are not providing any document (receipts) for the last 2 months. That 4 meetings have been held in the presence of all the members of the society for this account. That 20 staff members are working and 250 students are studying under this society. When the President and the Secretary inspected documents with regard to the school and college, then this fact emerged that Nishan Singh Virk (Treasurer) has given affidavit for operating the bank accounts of Society by illegally declaring himself a Director without the knowledge of members and without passing any resolution. Apart from this, loan was taken on school bus of society. Nishan Singh Virk himself told about this that all this was done under my supervision in collaboration with his wife Karamjit Kaur Virk. We did all this fabrication with society record because we wanted to send our daughter Navreet Kaur Virk to Canada on student visa. No other member was having any knowledge regarding loan procured on buses from bank. After sending their daughter abroad, Nishan Singh and his wife Karamjit Kaur both transferred funds from the bank accounts of society to their personal accounts. And in this manner Nishan Singh and his wife Karamjit Kaur and their son have got visa for Canada and entire family are planning to



flee away from this country. Neither Manmeet Singh Sandhu (President Sangha Education Society) nor the Secretary has any accommodation in this area. Whenever all members of society called a meeting regarding this misappropriation then Nishan Singh used to put pressure for settlement through inhabitants of the area. Nishan Singh and his wife Karamjit Kaur gave threats to parents and staff members of school and college that they will close the society. Karamjit Kaur forced the parents of the students to transfer fees in her personal bank account (Google pay) and got deposited some fees also. After convening a meeting. Society with the consent of all the members, have removed Nishan Singh Virk (Treasurer) from all the designations. Nishan Singh has been informed in writing and through phone calls about this resolution, despite this Nishan Singh Virk is coming to school and trying to create legal obstacle for members of society/staff with the intention of settling the dispute. I and my brother Manmeet Singh Sandhu despite being NRIs invested our money in this country and gave employment to 20 families, but for the last 2 months we are moving for taking accounts from Nishan Singh Virk, due to which our valuable time is wasted and it is affecting our physical and mental health. Being NRI we both brother and sister are requesting the Chief Minister Bhagwant Singh Mann and NRI Wing to take immediate action on all these activities. I Jasmeet Kaur Sandhu Secretary, Sangha Education Society request you that being I am residing in Mohali and my son who is a Special Need Child and for this reason I always stay with him, the entire proceedings be conducted by NRI Wing, Mohali. Keeping in view the threat perception to me and my brother Manmeet Singh Sandhu's life and property, entire proceedings be done at the earliest by NRI Wing, Mohali. Secretary Jasjeet Kaur Sandhu, Chairman Manmeet Singh Sandhu.'

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 15.9.2025. Learned counsel has further submitted that the genesis of the FiR in question is a dispute pertaining to rendition of accounts etc. and the same has been given the colour of a criminal case. Learned counsel has further submitted that the petitioner is a man aged 50 years with clean antecedents. Learned counsel has further



argued that the trial emanating from the FIR in question is magisterial one. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.3.2026 in Court, which is taken on record.

4.1 Learned counsel appearing for the complainant has vehemently opposed the bail petition by iterating that there are serious and direct allegations against the petitioner. Learned counsel has further submitted that the petitioner, misusing his position, has usurped the huge amount which is yet to be recovered. Learned counsel has further argued that that the petitioner has even threatened the complainant-side.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of



justice-to the individual involved and society affected.

11. *We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.*

12. *A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."*

6.1. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

*"Where the granting of bail lies within the discretion of the **court**, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention*



or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

6.2. Furthermore, the Hon’ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

6.3. The petitioner was arrested on 15.9.2025 wherein after investigation was carried out; challan was prepared on 12.11.2025 and subsequently filed. Total 21 prosecution witnesses have been cited and it is not in dispute that none has been examined till date and charges are yet to be framed. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues



which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.4 As per custody certificate dated 12.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 22 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those



which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

13.3.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No