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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-13166-2026

Date of decision: 16th April, 2026

Prithvi Raj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 405 dated 13.10.2025 registered under Sections 318(4), 316(2) and 336(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 318(2), 340(2) and 61(2) of BNS added later on) at Police Station Chandimandir, District Panchkula.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Nirmal Kumar, alleging therein that the petitioner, in connivance with the co-accused had induced him to part with an amount of Rs. 2,40,000/- on the premise of getting his son appointed as a Data Entry Operator on a permanent basis in the office of NHAI, Sector 30,

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Chandigarh. His son was given a fake and fabricated letter of appointment, and an amount of Rs. 12,430/- was credited to the bank account of the complainant. Neither any job was secured for his son, nor his money was returned. After the registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 07.11.2025. He was interrogated and suffered a disclosure statement admitting his active involvement in the crime and about receiving a sum of Rs. 2,00,000/- from the complainant through co-accused Sant Ram on the pretext of getting a job on a contract basis. He also disclosed that he had given an amount of Rs. 1,00,000/- to co-accused Gururaj, and an amount of Rs. 1,00,000/- was retained by him. He got recovered an amount of Rs. 30,000/-. The investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no allegation of making any direct inducement or assuring the complainant. The role allegedly played by him is peripheral and derivative in nature. He is in custody since long. He is not required for further investigation. The trial will take considerable time to conclude. The subject offences are triable by Magistrate. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel while relying upon the reply has vehemently argued that the allegations against the petitioner are serious in nature. He is a habitual offender being involved in four other cases of similar nature. There are chances of his absconding or committing similar offences,

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if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner in connivance with the co-accused is alleged to have duped the complainant for a sum of Rs. 2,40,000/-. The allegations make out a *prima facie* case for commission of the subject offences against him. However, he has been in custody since 07.11.2025. The trial has commenced but no prosecution witness has been examined so far and the same is likely to take considerable time. No useful purpose is going to be served by detaining him in custody anymore. The offences for which he has been booked and challaned are triable by a Magistrate. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate

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concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th April, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |