



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

211

CRM-M-14433-2026**Date of decision: 22.05.2026**

KRISHAN ALIAS KURE RAM

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Ankur Lal, Advocate
for the petitioner (Through V.C.).

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.575 dated 05.11.2025 for the commission of offence punishable under Sections 316(2), 318(4), 336(3), 336(4), 338, 340(2), 61(2) of Bharatiya Nyaya Sanhita, Police Station Sadar, District Bhiwani.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Suman and others', hereinafter being referred to as 'complainants' only. The pith and substance of the above-mentioned complaint was that the Directors/Proprietors of a company namely



‘Zooky’ was involved in multiple events of cheating numerous persons, by alluring them in the name of investment and assuring that the money will be doubled in a very short span of time. As per complainants in the similar fashion the complainants were allured by the above-named company and they invested money, worth Rs.7,65,000/-, but neither the above-mentioned principal money was returned nor the profit/interest, accrued thereupon, was paid. While claiming that they have been cheated by the above-mentioned company, the action was sought by the complainants against the petitioner and his co-accused.

3. It is the case of the prosecution that pursuant to above-mentioned complaint, formal FIR of this case was lodged and the investigation taken up.

4. Reply has already been filed by learned State counsel. The same be taken on record. Custody certificate has been filed by learned State counsel. The same, too, be taken on record.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the offence is triable by the Court of Judicial Magistrate, and that the petitioner has already suffered incarceration for a period of more than six months. According to learned counsel for the petitioner, the co-accused have already been accorded the benefit of bail, and that Smt. Kavita, who was alleged to be a co-accused, and who was authorised signatory of the bank account, has already been declared to be innocent by the Investigating Agency.

7. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel the petitioner is the kingpin of the entire episode, and that the passbook and chequebook, wherein the money



was deposited was recovered from the possession of petitioner.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the maximum punishment prescribed for the offence is imprisonment up to seven years;
- iii) that the petitioner has already suffered incarceration for a period of more than six months and thirteen days;
- iv) that the dispute between the parties *prima faice* seems to be a dispute of civil nature, i.e. recovery of money;
- v) that the prime signatory of the bank account wherein money was deposited, namely 'Kavita', has already been declared innocent;
- vi) that no money has been received by the petitioner;
- vii) that the direct link between the petitioner and the offence is *prima facie* not established;
- viii) that nothing has been left to be recovered from the possession of petitioner;
- ix) that the trial is not likely to be concluded in near future
- x) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- xi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- xii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

10. In the present case, the principles of law laid down by the Hon'ble

Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh



and another’, (2018) 3 SCC 22, are relevant, wherein it has been observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative



sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

12. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

13. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion



that the petitioner is entitled to the benefit of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

22.05.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No