



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-14187 of 2026

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Decided On: 17.04.2026

Shamshad Chhoker

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Ashish Kaushik, Advocate for the petitioner.

Ms. Deepali Verma, AAG Haryana.

Surya Partap Singh, J.

1. This petition for bail is the second petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 180 dated 01.04.2025, for the commission of offence punishable under Section(s) 3(5), 316(2), 318(4) and 61(2) of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Sector 29, Panipat, District Panipat, Haryana.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Sahil Bajaj', hereinafter being referred to as "complainant" only. It was stated by the complainant that 'Rakesh Khurana' who was known to them, had called his father on phone on 25.02.2025 and conveyed that he had come to know of a scheme, wherein by exchanging the currency notes of the denomination of ₹500/- with the currency notes of the denomination of ₹100/- and ₹200/-, they can

book a profit upto 10%. As per complainant initially his father was reluctant in investing the money, as proposed by 'Rakesh Khurana', but due to persistent request he agreed to accept the proposal of 'Rakesh Khurana'.

3. According to complainant in view of above-mentioned consent, a meeting was held on 06.03.2025 at 03.00 P.M. with accused 'Rakesh Khurana' at 'Rasoi Dhaba' near Park Hospital, Panipat. As per complainant, he and 'Kamal', went there and that at 'Rasoi Dhaba' accused 'Rakesh Khurana' told the father of the complainant that the exchange of money would take place at a Farm House situated nearby. However, he asked them that only one person should accompany him to the Farm House. The complainant further alleged that although he insisted that he and 'Shanky Garg' would accompany them, but 'Rakesh Khurana' gave them assurance and undertook the responsibility of taking care of their interest/investment.

4. The complainant further alleged that in the backdrop of above-mentioned developments, the accused 'Rakesh Khurana' left for the Farm House along with the complainant, and that initially he was taken to Narayna where they waited for some time. As per complainant, after some time the accused 'Rakesh Khurana' projected that already there had been too much delay and that in order to save time they should approach another party,. The complainant further alleged that by creating the above-mentioned situation 'Rakesh Khurana' told the complainant that 'Kamal' was his very close associate, i.e. like a family, and therefore, he took the I-10 car of 'Kamal' for exchange of money and fled away. According to complainant in the above said fashion their money was taken away and the same was not returned by the accused.

5. While claiming that they have been defrauded in the above-mentioned manner, by the accused 'Rakesh Khurana' and 'Kamal' and other co-accused, the complainant requested for action against the culprits.

6. It is the case of prosecution that in view of above mentioned statement, formal FIR of this case was lodged and the investigation taken up.

7. Custody Certificate as well as reply have been filed by learned State Counsel. The same be taken on record.

8. Heard.

9. The record has been perused carefully.

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

- i) that this is the second petition for bail filed by the petitioner. The first petition was dismissed on 28.10.2025 and after the dismissal of former bail application of the petitioner, the trial has not progressed significantly and during this period, the benefit of bail has been accorded to co-accused namely Kamaljeet Singh.
- ii) that the case of the petitioner is on parity with co-accused Kamaljeet Singh.
- iii) that the petitioner has already suffered incarceration for a period of almost ten months;
- iv) that the offence is triable by the court of Judicial Magistrate;
- ii) that the maximum punishment prescribed for the offence

is imprisonment upto seven years;

- iv) that the investigation is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- v) that the trial of the case is not likely to be concluded in near future;
- vi) that further detention of the petitioner in the judicial lock-up is not likely to produce a fruitful result;
- vii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

11. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court of India in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22, has 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.”

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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.”

13. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of

India 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 above mentioned 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.”

14. 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.

15. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that at this stage, the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. 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 above said concession shall be subject to following conditions:-

- a) 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;

- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

17. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

17.04.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No