



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

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CRM-M-15091-2026

Date of decision : 21.04.2026

Date of uploading : 21.04.2026

SANJAY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anil Chawla, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Gaurav Singla, 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.367 dated 01.11.2021 under Sections 506, 471, 468, 467, 420, 34 of IPC, registered at Police Station Old Faridabad.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"12. The Court of Hon'ble Ilaka MAGISTRATE, FARIDABAD COMPLAINT NO. OF 2021 (19/10/21 OLD NARENDER PARASHAR, aged about Years Son of Sh. Om Prakash Sharma, Resident of House No. 81/10, Barh Mohalla, Old Faridabad, District Faridabad. Aadhar card no. mobile no. 981054111, 1. Sanjay, 2. Mukesh sons of Sh. Ram Chand, Residents of 10/71, Bari Mohalla, Old Faridabad, District Faridabad. COMPLAINANT ACCUSED COMPLAINT UNDER SECTIONS 420, 467, 468, 471, 506, 34 OF INDIAN PENAL CODE. P.S. Old Faridabad. RESPECTFULLY SHOWETH- 1. That the complainant is a law abiding citizen of India and is a peace loving person. The accused No. 2 is known person to the complainant, who got introduced the accused No. 1 to the complainant, by saying that the accused No. 1 is interested to sell his shop



bearing No. 9/12, Meat Market, Sarai Kharaiti, old Faridabad, as he is owner and in possession of the said shop on the basis of Registered Relinquishment Deed bearing document No. 12665 dated 23.11.2015. The accused No. 1 entered into agreement to sell the above said shop with the complainant vide agreement to sell dated 14.12.2018, for a total sale consideration of Rs. 20,00,000/-, in presence of witnesses as well as in presence of accused No. 2. That as per terms and conditions mentioned in the said agreement to sell, the accused No. 1 received Earnest money of Rs. 5,00,000/-(Rupees Five Lacs only) from the complainant and the balance amount of sale was to be given at the time of execution and registration of sale deed, which was to be executed on or before 16.03.2020. In between as per terms and conditions mentioned in the above said agreement, the accused No. 1 received different payments of total amount of Rs. 12,50,000/-(i.e. Rs. 6,00,000/-on 18.1.2019, Rs. 4,00,000/-on 19.7.2019, 2,50,000/-on 5.11.2019 respectively). Thereafter, the accused No. 1 contacted the complainant on 15.01.2020 telephonically by saying that he would make the payment of balance amount to the complainant, for which the complainant should come at his home. On next day, both accused along with Mukesh and Lalit and Mahender came to the house of the complainant, but at that time the complainant asked the accused No. 1 that he would make the payment of balance sale consideration to the accused No.1 in the court, because the copy of original agreement has been misplaced by the complainant, upon this the accused Nos. 1 and 2 that the accused No. 1 is in great need of cash amount of Rs. 50,000/-, so the complainant should give the said amount to him. After receiving the said amount, the accused No. 1 would execute fresh agreement to sell qua his property, for which the complainant purchased a stamp paper dated 15.01.2020 for the purpose of executing the agreement to sell. Thereafter the accused stated that they would get execute the agreement to sell qua the property in question for total sale consideration of Rs. 18,00,000/-, so the accused No.1 got executed another fresh agreement to sell duly written by Lalit with his own hands on 16.1.2020, in favour of the complainant, over which both parties as well as witnesses put their respective hands thereon. The balance sale consideration of Rs. 2,00,000/- was to be given at the time of execution and registration of sale deed, which was to be executed on or before 16.03.2020. Further as per terms and conditions, mentioned in the agreement to sell, the possession of the shop was delivered by the above named sellers to the complainant.

Even today the possession of the complainant is still going over the said shop, as the complainant has put his own lock thereon. That the complainant contacted the accused No.1 on 10.03.2020, then accused No. 1 stated that he would execute the sale deed qua the shop in question in favour of the complainant on or before 25.03.2020. In between there was declaration of lock down by the Govt. of India, whereas the complainant remained contact the accused and requested the accused No. 1 to get execute the sale deed in favour of complainant in respect of shop in question, but it is the Accused No.1 who always avoided it on of pretext or the other. That when the accused No.1 continuously avoided to perform his part of agreement, then complainant enquired from the neighbourhood of the accused No. 1, then complainant came to know that the accused No. 1 in collusion with accused No. 2, has already entered into agreement to sell qua the shop in question After coming to know about the with different persons fact, the complainant contacted the accused Nos. 1 and 2 and asked the reason, upon this both of them started to use filthy language qua the complainant and raised quarrel with the complainant and they threatened to the life and limbs of the complainant and they threatened to falsely involve the complainant in false criminal case under SC/St Act as well as for other alleged offences. That the accused Nos. 1 and 2 have



possessed different weapons along with them and they can make attack upon the complainant at any point of time by using the said weapons. The accused with a mala fide intention in order to grab the money of the complainant of Rs. 18,00,000/- in cash, have entered into false agreement to sell the shop in question with the complainant. On the other hand, they had already entered into agreement to sell the said shop with one Rohtash MO. No. 9992691028, who is a ret'd. Person from Police Department and has been residing at Village Dhubaldhan, District Jhajjar (Haryana) and also with another person namely Bhoop Singh, Mo.No. 9810449492 resident of Barh Mohalla, Old Faridabad, as well as his nominees also. Thus it is clear that the accused in collusion with each other, with a conspiracy, have played a fraud with the complainant and have cheated him by grabbing huge amount from him, as mentioned above. The accused also stated to the complainant that they are having good terms with politicians, so the complainant cannot take any action against them in any manner whatsoever. That the complainant moved an application before S.H.O. of P.S. Old Faridabad on 24.11.2020, with a request to take legal action against the accused, but all in vain. A copy of application is enclosed herewith as well. Annexure C. That by the aforesaid wrongful act and conduct, the accused have committed offence punishable Under Sections 420, 467, 468, 471, 506 34 of LP.C. That the offence in question was committed within the limits of P.S. Old Faridabad and this Hon'ble Court being Illaka Court has got jurisdiction to entertain, try and to decide the present complaint. It is, therefore, prayed that the accused may kindly be summoned for the offences committed by him punishable Under Sections 420, 467, 468, 471, 506 34 of Indian Penal Code. It is further prayed that necessary directions be issued to the police of P.S. Old Faridabad Under Section 156 (3) Cr.P.C. to enquire into the matter and to register a case against the culprits/accused. Dated-16.09.2021 Complainant-Narender Parashar, Through Counsels: Satbir Sharma And Aamir Khan Advocates Faridabad Dt.-16.09.2021 Police Station An order on the Complainant under Section 156 (3) Cr.P.C was received at the police station from the Hon'ble Court of Mr. Amit Nain Judicial Magistrate Ist Class for registration of a case under Section 420, 467, 468, 471, 506, 34 IPC, on which FIR no. 367 dated 01.11.2021 under Section 420, 467, 468, 471, 506, 34 IPC was registered in P.S OLD FBD and computerized copies of the case were prepared as per rules and sent to the concerned officers and the Illaka magistrate."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.11.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. As the matter is essentially of a civil nature with civil overtones, it has been contended that the challan already stands presented and the culmination of the trial will take a long time. Learned counsel has further iterated that the petitioner is aged about 44 years old with no criminal antecedents and is sole bread earner of the family. Thus, regular bail is prayed for.



4. Learned State counsel has filed status report by way of affidavit of 13.04.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 19.04.2026 in Court, which is taken on record.

4.1 Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner, contending that the petitioner committed a serious offence after due calculation and planning. Learned counsel has further submitted that the petitioner has been entering into agreements to sell with different persons and is a habitual offender. Learned counsel has also submitted that the brother of the petitioner is also an active conspirator/perpetrator of the crime, and in case the petitioner is released on regular bail, there is every likelihood that the investigation may suffer adversely.

5. I have heard counsel for the parties and have gone through the available records of the case. Before delving into the matter in hand, 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."*

5.1. 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.”

5.2. 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. The petitioner was arrested on 22.11.2025 wherein after investigation was carried out and challan stands presented on 20.01.2026. Total 15 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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.

6.1 As per custody certificate dated 19.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 29 days and 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/Illaq 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



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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.

11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

21.04.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No