



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

Sr.No.251

**CRM-M-15474-2026
Decided on : 20.04.2026**

Himanshu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Deepak Jaglan, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.356 dated 13.06.2024, registered under Sections 420, 467, 468, 406, 34 IPC, at Police Station Azad Nagar, District Hisar.

2. Brief facts of the present case, as per prosecution, are that the petitioner along with his accomplices duped the complainant Sachin for a sum of Rs.17,50,000/- on the pretext of sending him abroad.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case as no offence has been committed by him. Learned counsel further contends that the allegation levelled against the petitioner are false and he has no concern with

the said offence. Learned counsel contends that the petitioner himself is a



victim of fraud committed by the agent. Learned counsel submits that the petitioner has 03 years old daughter who is suffering from sleep disorder and she has been recommended for a clinical psychology consultation, thus she needs care, affection and financial support from his father. Learned counsel submits that the petitioner has not taken any money from anyone and even if prosecution version is taken as such, the only allegation against the petitioner is that he took Rs.2 lacs in cash, which remains unsubstantiated. He further submits that there is a huge delay in lodging the FIR as the complainant allegedly gave Rs.15,50,000/- in the month of May, 2022 and Rs.2,00,000/- on 02.08.2022 and the complaint was filed on 13.06.2024 i.e. after more than 1½ year. Learned counsel submits that co-accused Kavita Devi, Mukesh and Jyoti have already been granted the concession of anticipatory bail as well as regular bail by a Coordinate Bench as well as by this Court vide orders dated 10.07.2024 and 02.12.2025. He further contends that the offence is triable by the Magistrate and nothing is to be recovered from the petitioner. The petitioner is in custody since 24.09.2025. The investigation in this case is complete; challan stands presented and charges are yet to be framed. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel, has filed the custody certificate of the petitioner as well as the status report which are taken on record. She has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. She further submits that the petitioner is direct beneficiary of the cheated amount and took Rs.2 lacs in



cash from the complainant. She further submits that the petitioner is involved in one more case meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months and 21 days; co-accused Kavita Devi, Mukesh and Jyoti have already been granted the concession of anticipatory bail as well as regular bail by a Coordinate Bench as well as by this Court, investigation is complete; challan stands presented; charges are yet to be framed, as such, the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/another case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected



solely on the ground that the petitioner is involved in other/another case(s).

The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

9. All miscellaneous application(s), if any, stands disposed of accordingly.

20.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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