



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111+212

CRM-22558-2026 in/and
CRM-M No.15351 of 2026 (O&M)
Date of Decision: 20.05.2026

Gobind Singh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sanpreet Singh Kalra, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

CRM-22558-2026

This is an application under Section 528 of BNSS for amendment of para 10 wherein criminal antecedents were mentioned.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the application is allowed and the Registry is directed to carry out necessary corrections in para 10 of the petition.

CRM-M No.15351 of 2026

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.110 dated 11.09.2024 for the commission of offence punishable under Section 61, 340, 338, 336(3), 319, 318(4), 316(2) of



Bharatiya Nyaya Sanhita, 2023, Police Station Cyber Crime Panchkula, District Panchkula.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the complaint of 'Jagwant Singh, hereinafter being referred to as 'complainant' only,'. It was stated by the above named complainant that on 17.07.2024 he received a whatsapp message purportedly from 'SMC Securities' inducing him to invest in the online share market, and that he invested a total amount of Rs.2.34 crores on different dates in various bank accounts. As per complainant, when he attempted to withdraw the amount, he was asked to deposit a brokerage fee of Rs.61,88,761.5/- upon which he realized that he had fallen prey to fraudsters.

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. As per prosecution the petitioner has been nominated by his co-accused 'Sandeep' who disclosed that Rs.11,10,000/- was withdrawn by him and handed over to the petitioner as commission for providing the account.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Ms. Deepali Verma, AAG, Haryana, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. Status report filed on behalf of State is already on record.

6. **Heard.**

7. It has been contended by learned counsel for the petitioner that in



the present case the only evidence against the petitioner is that one of the co-accused namely 'Sandeep' had suffered a disclosure statement, that he had paid a sum of Rs.5,00,000/- to the petitioner. According to learned counsel for the petitioner except the above mentioned disclosure statement which is inadmissible in evidence there is no evidence, against the petitioner. In addition to above, the learned counsel for the petitioner has also contended that similarly placed co-accused namely 'Harjot Singh' has already been accorded the benefit of bail by the learned trial Court.

8. The learned State counsel has controverted the abovementioned arguments. According to learned State counsel in the present case the fraud for a sum of Rs.2.34 crores was played by them with an ex-serviceman, and that the allegation against the petitioner are that a part of proceed of crime was received by him. The learned State counsel has contended that in view of gravity of offence the petitioner is not entitled to the benefit of bail.

9. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of almost 10 months;
- ii) that there is no allegations against the petitioner with regard to creation of false documents;
- iii) that the only evidence, collected by the investigating agency against the petitioner, is the disclosure statement of co-accused of the petitioner, and there is a question mark with regard to credibility & admissibility of above-mentioned statement in



evidence, as the same was recorded when the co-accused was in custody. Since pursuant to above-mentioned disclosure statement recovery of any incriminating material or discovery of fact has not taken place, *prima facie* the abovementioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;

- iv) that although the petitioner is facing prosecution in two other cases, but any of those two cases are not the case of cheating or forgery;
- v) that the investigation in this case is already complete and, therefore, nothing has been left to be recovered from the possession of petitioner;
- vi) that the trial is not likely to be concluded in near future;
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) 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
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

11. 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”.

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 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”.

13. 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".

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 an undertrial prisoner, as mandated by Hon'ble Apex court in 'Balwinder Singh versus State of Punjab and another' 2024 SCC Online SC 4354.

15. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled to the concession 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 abovesaid benefit 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 from disclosing 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 trial Court.

17. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

20.05.2026
Manoj Bhutani

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