



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-17101-2026
Date of decision: 06.05.2026

KULJEET SINGH RANA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Joban Singh, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. Gurnoor Singh, Advocate for the complainant.

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.120 dated 29.03.2025 registered under Sections 318(4), 61(2) BNS, 2023 at Police Station City Kharar, District SAS Nagar, Mohali.

2. Brief facts of the case are that the petitioner, who is a property dealer, along with his co-accused, cheated the complainant by selling him a house that already had a loan, unpaid electricity bills, and maintenance dues. Hence the present FIR.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has no concern with the offence. He further submits that the petitioner was initially granted

anticipatory bail by the Sessions Court, which was later dismissed due to



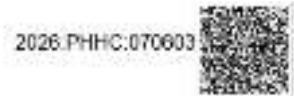
non-joining of investigation, and subsequent bail applications before this Court was also dismissed because of non-cooperation during investigation. It is argued that the present case is purely civil in nature arising out of an agreement to sell, and the essential ingredients of cheating under Section 318(4) BNS are not made out. He submits that the petitioner has clean antecedents as he is not involved in any other case. He further submits that investigation in the present case is complete, challan has been filed, but charges are yet to be framed. As such, the conclusion of trial will take a considerable long time. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate which is taken on record. Status report has already been filed and she relying upon the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she could not controvert the fact that the petitioner has clean antecedents as he is not involved in any other case.

5. Learned counsel for the complainant submits that the petitioner has actively participated in the crime and does not deserve any concession from this Court. Hence, he prays that the present petition be dismissed.

6. 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 05 months; investigation is complete; challan stands presented, charges are yet to be framed; and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of

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the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. 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 her 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*”.

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.

06.05.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No