



CRM-M-16804-2026 (O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-16804-2026 (O&M)****Date of decision : 06.05.2026**

Sawan

..... Petitioner

VERSUS

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Dushyant Rana, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

Mr. Tarun Seth, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

This petition for bail is the first 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.303 dated 20.06.2025, for the commission of offence punishable under Sections 316(2), 318(4), 338, 336(3), 340(2), 351(2) and 61 of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS', Police Station Civil Lines, Karnal.

2. The abovementioned FIR came into being at the instance of 'Dipanshu', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that in the month of March, 2024 he purchased a Kia Sonet Car and in the month of July 2024, his friend 'Ajay'

**CRM-M-16804-2026 (O&M)**

2

introduced him to co-accused 'Sachin Kumar', who impressed him by claiming that he could send the petitioner to Australia by arranging visa and accommodation. According to complainant, after gaining his confidence, the petitioner received a total amount of Rs.6.50 lacs, partly in cash and partly through bank transfer, from the complainant. The complainant further alleged that despite receipt of money the genuine visa or other documents were not provided. As per complainant, when he demanded his money back, he was threatened of dire consequences by the petitioner.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation call details, bank record and audio recordings were collected, and it was found that the documents/visa were fake. The prosecution has further alleged that co-accused Sachin transferred the car of the complainant to another person on the basis of a forged affidavit of ownership.

4. It is further case of prosecution that during further investigation, the present petitioner was arrested and during interrogation, he suffered a disclosure statement, wherein he disclosed that he had received the abovesaid car and handed it over to one 'Manish' on rent.

5. Heard.

6. At the very outset, it has been contended by learned counsel for the petitioner that in the present case, parties have already reached to a



compromise and in view of compromise, the complainant does not want to prosecute the petitioner.

7. The abovementioned arguments have not been controverted by the learned counsel for the respondent No.2.

8. With regard to abovementioned arguments, the learned State Counsel has contended that the compromise in the present case is of no consequence as the offence is non-compoundable.

9. Further arguments heard.

10. The record has been perused carefully.

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

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of more than two months;
- iii) that the petitioner has no criminal antecedents;
- iv) that, since the parties have already reached to compromise, nothing has been left to be recovered from the possession of petitioner;
- v) that the investigation and trial are not likely to be concluded in near future;
- vi) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;



vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. 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(2) R.C.R. (Criminal) 131, are also 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”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (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”.

14. 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”.

15. 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.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. 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 abovementioned concession 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 to disclose 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 the trial Court.

(SURYA PARTAP SINGH)
JUDGE

06.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No