



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

254**CRM-M-18038-2026****Date of decision : 09.04.2026****Date of uploading : 09.04.2026****Narinder Kumar Vij****.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present: Mr. Aayush Gupta, Advocate for the petitioner.****Mr. Baljinder Singh Sra, Addl. AG, Punjab.****---****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.0083 dated 30.05.2025 under Sections 419, 420, 120-B of IPC, registered at Police Station Tibba, District Police Commissionerate, Ludhiana.

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

"At this time one complaint bearing No. PGD 47195/473376 dated 18.11.2024 and 53036/W dated 16.12.2024 has been received from Nisha Rani wife of Ravinder Singh resident of ChanderLok Colony, BastiJodhewal, District Ludhiana has been received which is as under:- To the through post, Commissioner of Police, Ludhiana. Subject: For registration of the case against Narinder Kumar Vij having Mobile No. 95923-73444 and Sahil @ Kunal having Mobile No. 9876832725, Ninder, having Mobile No. 62806-54246, Dipu Verma, having Mobile No. 88376-18920, regarding committing fraud by getting the false sale deed and by cheating for an amount of Rs.8,50,000/-. Sir, It is submitted that, I Nisha Rani wife of Ravinder Singh resident of ChanderLok Colony, Basti Jodhewal, District Ludhiana, I submit to your good office in the following manner:- 1)That one plot measuring 100 sq. yards situated at MohallaPrem Vihar, Tibba Road, Ludhiana was purchased by me, the sale



deed of the same is attached herewith. The said plot was purchased by me from Narinder Kumar Vij. The father of Narinder Kumar Vij purchased the said property through an agreement in the year 1995. On the asking of Narinder Kumar Vij, I got the sale deed executed from the original owner. The said Narinder Kumar Vij got the sale deed executed in my favour i.e. Nisha Rani from some wrong person by impersonation. The sale deed is bearing Vasika No. 13436 dated 11.10.2024. The said property was shown to us by Ninder Singh i.e. the property dealer. The money was given through Ninder Singh and Sahil, some amount was got transferred by Sahil from me into her mother's account which is there in the name of Sunita Rani through Google-Pay, some amount was given in the account of Narinder Singh through Google-Pay. Some amount was given in cash. The written receipt of the same is there with us, the person who got the sale deed registered was saying that he is the owner of the property. The address of the said person is village Dagoha, District Ludhiana having Aadhar Card No.278967443095. The said person told her name as Tara Singh son of Gurmukh Singh and the said person was brought by DipuVerma. We transferred Rs.5,80,000/- through Google-Pay and the balance amount of Rs.3,00,000/- in cash and accordingly an amount of Rs.8,80,000/- was paid. After paying the said amount, when we were laying the foundation of the plot, then the original owner came and he stopped us from laying down the foundation and finally when both the parties sat together, we saw the documents and upon this we got suspicious on our documents. And upon enquiry and threat of the police, the complete version came out and all the accused persons started saying something against each other. Sahil said that DipuVerma has taken Rs.4.00 Lakh from him and the balance amount has also been distributed between us and regarding this Ninder i.e. the property dealer said in the office of MLA and regarding that we have the recording. The total sale consideration was of Rs. 13,30,000/-. Out of the same, the amount was paid through three cheques of Punjab National Bank having Cheque No. 444214, 15, 16. The cheques were given to Narinder Kumar Vij through Sahil and Ninder property dealer. Therefore, accordingly all of them in conspiracy with each other committed fraud with us and with these accused our cheques are there and the same are not being returned, when we asked regarding the cheques then they threaten us. Therefore, accordingly the FIR of cheating may be registered against them and our money as well as cheques may be recovered, so that justice may be delivered to us. Thanking you. Sd/- Nisha Rani."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 09.12.2025. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question, which essentially emanates from a civil/property dispute. Learned counsel has further submitted that, upon culmination of investigation, challan qua the petitioner already stands presented. Learned counsel has further argued that the trial emanating from the FIR in question is a magisterial one. Learned counsel has further iterated that the petitioner is a man aged about 50 years and is not facing any other FIR under the IPC. Thus,



regular bail is prayed for.

4. 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 08.04.2026 in Court, which is taken on record.

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 09.12.2025 wherein after investigation was carried out and challan stands presented on 05.02.2026. Total 15 prosecution witnesses have been cited but none has been examined till date. It is further not in dispute before this Court that the trial emanating is a magisterial one, the conclusion whereof will indubitably take long. 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 08.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 26 days and is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in more cases. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when



a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

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

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.

(SUMEET GOEL)
JUDGE

09.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No