

CRM-M-19320-2026

2026:PHHC:077319



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Farukh Alam alias Farooque Alam

....Petitioner

Versus

State of Punjab

...Respondent

Date of Decision: May 18, 2026

Date of Uploading: May 18, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Anupam Mathur, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS seeking grant of regular bail to the petitioner, in case bearing FIR No.335 dated 06.11.2023, registered for the offences punishable under Sections 406, 420, 120-B of IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, at Police Station City Rajpura, District Patiala.

2. The gravamen of the FIR in question is that the FIR in question was registered against co-accused Munish Kumar Sharma and Paramjit Singh on the allegations that they had cheated the complainant, namely, Jasvir Singh, and committed criminal breach of trust by inducing him with the promise of sending him abroad. It was alleged that both the said co-accused received a total amount of ₹32,00,000/- from the complainant for arranging his travel abroad; however, neither did they send him abroad nor returned the said amount. On the basis of disclosure statement of co-accused, namely, Munish Kumar, the petitioner has been implicated in this case.

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3. Learned counsel for the petitioner has submitted that petitioner was arrested on 18.01.2026. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question primarily on the basis of disclosure statement of co-accused, namely, Manish Sharma who is running a travelling agency. Learned counsel has argued that when the complainant was not able to go abroad to his satisfaction, the petitioner has been implicated into the FIR in question. Learned counsel has submitted that charges *qua* the petitioner are yet to be framed and conclusion of the trial will, indubitably, taking long time. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel also seeks to place on record the custody certificate dated 17.05.2026, in the Court today, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. Petitioner was arrested on 18.01.2026, whereinafter, the investigation was carried out and the challan *qua* petitioner has been presented on 16.03.2026. Total 26 prosecution witnesses have been cited, out of which, only 02 have been examined till date. It is, thus, indubitable that culmination of trial will take long time. The rival contentions raised at Bar give rise to debatable issues, which shall essentially 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.

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6.1. As per custody certificates dated 17.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 05 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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, if not required in any other case, 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.

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- (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 cellphone 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/Illaqa 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 18, 2026
mahavir

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