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2026:PHHC:066158



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

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Vijay Kumar

....Petitioner

versus

State of Haryana

...Respondent

Date of decision: April 29, 2026

Date of Uploading: April 30, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. AP.S. Deol, Senior Advocate with
Ms. Sagarika, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case bearing FIR No.243 dated 04.11.2025, registered for the offences punishable under Sections 316(2), 318(4), 319, 336(3), 338, 340, 61(2) of the BNS 2023 at Police Station Sadar, Panipat, District Panipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“ To take strict legal action by registering a case against Gagandeep Sharma, son of Manmohan Sharma, resident of Mohalla Jatan Mani Majra, Chandigarh, whose mobile number is 9888121165, Sunil Kumar son of Krishan resident of village Baljatarn Panipat, whose mobile number is 97282-81516, Pankaj alias Bhagta, resident of Karnal, whose mobile number is 94679-46302, Dharampal Singh, son of Bala Ram, resident of house number 1396, Sector 39B, Chandigarh, whose mobile number is 97802-50029

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and Rajesh Kumar Kesari, son of Shri Vishesh Kumar, resident, of 6/16 Sarvapriya Vihar, New Delhi, Mobile No. 98100-54051, for cheating us of Rs. 1 crore 80 lakhs through GPA by hatching a criminal conspiracy. Sir, we request that we Vijay Kumar son of Shri Santram Saini resident of house no. 570 Sector 12 HUDA Panipat and Sanjay Kataria son of Shri Jai Bhagwan Kataria resident of house no. 633 Sector 17 near Old Woman Police, Station HUDA Panipat and are good friends. Gagandeep Sharma son of Manmohan Sharma, resident of Mohalla Jatan Mani Majra, Chandigarh, whose mobile number is 9888121165, Sunil Kumar, son of Krishna, resident of village Baljatan, Panipat, whose mobile number is 97282-81516, Pankaj alias Bhagta, resident of Karnal, whose mobile number is 94679-46302 and Dharampal Singh, son of Bala Ram, resident of house number 1396, Sector 39B, Chandigarh, whose mobile number is 97802-50029, called me and my friend Sanjay Kataria and called us to Badoli Stand, GT Road, Panipat. They told us that they have 24 Kanal 18 Marla land in revenue estate of village Kutel, near Madhuban, which is for sale and is very economical and is adjacent to GT Road. The real owner of this land is Rajesh Kumar Keshari, who has given the GPA of the above land to our friend which is registered in the name of Virender Singh son of Shri Ramphal resident of house no: 406, 1st floor, Bhagat Shiva Enclave, Zirakpur, SAS Nagar, Mohali, Punjab. If you want, we can show you be the property. If you like the property, we will sit together and decide the rate. Then both of us reached Madhuban in our car with Gagandeep, Sunil, Pankaj alias Bhagata and Dharampal, where they showed us 24 Kanal 18 Marla land adjoining to GT Road in village Kutel, which we liked. We took a day or two from them to discuss among ourselves and came to Panipat. After a few days, we received a call from them regarding the above property. We told them that we like your property, you should come to Panipat with the owner, we will sit together and discuss and finalize the deal. Then on 12.03.2025, they called us to village Badauli, district Panipat at the G.T. road and there was another person along with the four they told that he is Shahi Virender Singh son of Shri Ramphal resident of house number 406, second floor, Bhagat Shiva Enclave, Zirakpur, SAS Nagar Mohali, Zirakpur, Rajesh Kumar Kesari son of Shri Vishesh Kumar resident of 6/16, Saravpriya Vihar, New Delhi, who has now gone abroad for his business, has got done the GPA of the above mentioned land/property and Virender Singh has full right to deal with the above mentioned 24 Kanal 18 Marle land and then produced us GPA of Khewat number 368, Khatauni number 432, Khasra number 48//16 (8-0), 17 min east (4-10), 24/1 min east (3-1), 25/1 (5-2), 49//20/2 total area 24 Kanal 18 Marle, at village Kutel tehsil and district Karnal in which the original land owner, Rajesh Kumar Kesari son of Vishvesh Kumar resident of 6/16 Sarvapriya Vihar New Delhi has executed a GPA on 24.05.2024 in the name of Virender Singh mentioned above, a photocopy of which is enclosed herewith and which was presented to us. Then, on our asking Virender made us talk on phone number 447466283766 on which the person on the other side was calling himself Rajesh Kumar Kesari and on the phone he told us the actual owner of the above mentioned 24 Kanal 18 Marla land area of village

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Kutel (Karnal) and said that I have got the GPA of the above mentioned land done in the name of Virender Singh who is making you talk to me, you fix the deal price of the land with him and give half the money of the advance in my bank account and the other half to Virender, then we did the deal price of the above mentioned land with him and our total deal price of the above mentioned 24 Kanal 18 Marla land was fixed at Rs 12 crore 11 lakh and as per the fixed deal price, Sanjay Kataria agreed to buy 70% of the above mentioned land and I agreed to buy 30% of the above mentioned land. As per the deal price, we gave Rs 65 lakh in cash and my friend Sanjay Kataria gave a cheque of Rs 40 lakh in the name of Rajesh Kumar Kesari, a cheque of Rs 40 lakh in the name of Virender. Similarly, I gave a cheque of Rs. 17,50,000/- in the name of Rajesh Kumar Kesari and a cheque of Rs. 17,50,000/- in the name of Virender Singh on the spot. Then we all reached at Tehsil Panipat in our cars where Virender Singh for Khewat No. 368, Khatauni No. 432, Khasra No. 48//16 (8-0), 17 min east (4-10), 24/1 min east (3-1), 25/1 (5-2), 49//20/2, total area 24 Kanal 18 Marla, situated in village Kutel, Tehsil and District Karnal, executed agreement/deed and agreement/receipt for receiving the remaining amount in which the date of registration of the above land has been fixed as 15.09.2025, on which my and Sanjay Kataria's signatures are as buyers and there are photographs and signature on it and photograph of Virender Singh as seller and his signature are on it and photograph of Gagan, Dharampal and Sunil are as witnesses, photocopies of which are enclosed. Along with this, Virender Singh also gave us a separate affidavit, photocopy of which is enclosed. On 15.09.2025, we reached at Tehsil Gharaunda (Karnal) to get the above land registered as per the stipulated time period, where we got called several times. Sunil, Gagan, Pankaj alias Bhagta and Dharampal who told us that they were coming and were on their way. Even after waiting for some time, when Virender Singh along with his companions Sunil, Gagandeep, Pankaj alias Bhagta and Dharampal did not reach at Tehsil Gharonda (Karnal), then I and my friend Sanjay Kataria appeared before Tehsildar Gharonda (Karnal), informed him about the situation, we marked our attendance and got prepared an affidavit which was got attested by Tehsildar Gharonda (Karnal), a photocopy of which is attached. Now, when we verified the above mentioned 24 Kanal 18 Marla land on our own, we came to know that Rajesh Kumar Kesari had got cancelled the GPA of the above mentioned 24 Kanal 18 Marla from Virender Singh on 19.07.2025, whereas we had an agreement with Virender Singh and Rajesh Kumar Kesari on 12.03.2025 and as per the agreement, we have deposited a total of Rs. 1 crore 15 lakh and Rs. 65 lakh in cash in the bank accounts of Rajesh Kumar Kesari and Virender Singh, which clearly shows that Sunil, Dharampal, Gagandeep, Pankaj alias Bhagta, Virender Singh and Rajesh Kumar Kesari have committed fraud by selling the above mentioned 24 Kanal 18 Marla land to us through GPA at a fixed price. They have cheated us of Rs. 1 crore 80 lakhs and after cheating us of the money, they have cancelled the GPA as per the conspiracy. We request you to take strictest legal action by registering a case against Sunil, Dharampal, Gagandeep, Pankaj alias Bhagta, Virender Singh and Rajesh Kumar Kesari for hatching a

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criminal conspiracy and cheating us of Rs. 1 Crore 80 Lakhs through GPA. Sd/- Sanjay Kataria son of Sh. Jai Bhagwan, House No.633, Sector 17, HUDA, Panipat, Mob. No. 94161-01515. Dated 03.11.2025. Sd/- Vijay Kumar son of Sh. Sant Ram Saini, House No.570, Sector-12, HUDA, Panipat, Mob. No.94160-06690. Police Proceedings.”

3. Learned senior counsel for the petitioner has argued that the petitioner was arrested on 07.01.2026. Learned senior counsel for the petitioner has submitted that FIR in question emanates from the property dispute. Learned senior counsel for the petitioner has further submitted that after culmination of investigation, challan has been presented wherein 21 prosecution witnesses have been cited and charges are yet to be framed. Learned senior counsel further submits that petitioner is a man aged 45 years and is a sole bread earner of his family. 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 27.04.2026, 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.

Before delving into the matter further, it would be germane to refer herein the case law governing the issue in hand:

5.1 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."*

5.2. 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."*

5.3 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

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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 07.01.2026, whereinafter, investigation was carried out and challan stands presented on 18.03.2026. Total 21 prosecution witnesses have been cited, and it is not in dispute that charges are yet to be framed. It is, thus, indubitable that conclusion of the trial will take long. The rival contention 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.

6.1. As per custody certificate dated 27.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 20 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;***

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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.
- (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/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.

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

April 29, 2026
rts

(SUMEET GOEL)
JUDGE

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