



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

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**CRM-M No.23405 of 2025
Date of decision : 14.1.2026
Date of uploading : 15.1.2026**

Pankaj Kumar**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Tejas Bansal, Advocate, for the petitioner
Ms. Priyanka Sadar, Senior DAG, Haryana

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.192 dated 14.8.2020 under Sections 406, 420 and 120-B of the IPC, registered at Police Station Kalanwali, District Sirsa.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To SHO, Police Station Kalanwali, Subject: Compliant for taking action against Pankaj Kumar Mobile No.70824-65334 and 70565-93133 son of Radheshyam and Sandeep Kumar Mobile No.89297-06935 son of Mange Ram resident of Mandi Kalanwali district Sirsa. Sir, I humbly request that I am Jagseer Singh, son of Chand Singh caste Jat Sikh resident of village Kalanwali tehsil Kalanwali that I was in need of money 9-10 months ago, I had got a limit made on my four acre land from Axis Bank Kalanwali, for which I had submitted my documents PAN card, Aadhar card and passport photo to Axis Bank which after a few days a person from the bank came to me for verification who introduced himself as



Pankaj Kumar Mobile No.0824-65334 son of Radhey Shyam resident of Mandi Kalanwali came to my house and while leaving said that I have got your limit passed; when my limit was created, the same Pankaj Kumar came to my house again and said that I will get your limit increased to one crore rupees, for which I said yes and took the registry of my plot and documents like PAN card, Aadhar card and two passport size photographs. After a few days after that Pankaj Kumar called me and said that your limit will increase but you will have to give some money, for which I said yes, he sent Sandeep Kumar Mob. 89297-06935 son of Mange Ram resident of Mandi Kalanwali to me on 07.12.2019 and Pankaj Kumar called me and said that you should give Rs. 2,00,000 to this boy, which I withdrew Rs.2,00,000 from my account Axis Bank no.914010030470988 on 07.12.2019 at about 11.00 am and gave it to Sandeep Kumar. Then after three days Pankaj Kumar called me on my phone 83969-84004 from his phone 70824-65334 and 70565-93133 and called me at Nishuraj Hotel Sirsa and demanded Rs. 80,000 more from me. I said that I have given you a lot of money, has any work been done to increase limit or not? Then Pankaj Kumar said that if you do not trust me then take a cheque of my account, after which Pankaj Kumar gave a Cheque No.977734 of Punjab National Bank, whose account no. was 0430001700018440, in which he got filled with Rs. 1,50,000 through Sandeep, signed it himself and gave it to me. On this trust, I withdrew another Rs. 80,000 from my account from Axis Bank Sirsa and gave it to Sandeep. After this, I started believing the words of both Sandeep and Pankaj and on 16.12.2019, Pankaj Kumar called me from his phone no.70824-65334 and 70556-93133 called me on my phone number 83969-84004 and told me that To get your work done you have to give Rs. 46,000 to a person, and get it transferred to the account number given on my Punjab National Bank cheque. Then I transferred Rs. 46,000 from my account no. 914010030470988 to his account. Thereafter, Pankaj Kumar called me on 18.12.2019 and said that my father is sick and needs money, give me Rs. 7,00,000, in return for this you can take a cheque from me. Thereafter I gave Rs. 7,00,000 to Pankaj and Sandeep at the address given by them on Kalanwali to Audha road in front of Lakhveer Singh son of Angrej Singh resident of village Kalanwali. In return he gave me two cheques from his Punjab National Bank account no.0430001700018440 Cheque No. 977736 on which Rs. 1,30,000/- and another Cheque No. 977744 on which the amount of Rs. 7,00,000 was written, were given after signing by him. Thereafter, few days Pankaj Kumar calls again saying that I am sending a boy named Rinku Chaudhary to you for verification. Rinku Chaudhary called me on my phone from his mobile number 85719-01093 and asked me to show my plot. On Date 23.12.2019 Pankaj Kumar and Rinku Chaudhary came to my house and demanded Rs. 40,000 for verification, which I gave in cash. Thereafter on Date 01.01.2020 they called me on my mobile number. But he called me and said that if you deposit Rs. 22,000



more in my account, your work would be done, which I deposited in Punjab National Bank account no. 0430001700018440. A few days later, Pankaj Kumar called me again and said that take a cheque of Rs. 91,00,000 and give me Rs. 3,50,000 in cash. I went to Audha and gave Rs. 3,42,000 to Pankaj Kumar, after that he called me on 26.02.2020 and said that deposit Rs. 10,000 in his account, now your work is done, if you don't believe me, then deposit the cheque given by me of Rs. 91,00,000 in Punjab National Bank. The above-mentioned Pankaj and Sandeep took me into confidence in the name of creating a limit and cheated me and swindled Rs. 14,40,000. Legal action should be taken against them. Thank you. SD/ Jagseer Singh Applicant Jagseer Singh son of Shri Chand Singh resident of village Kalawali District Sirsa Mobile: 83969-84004.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.1.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the genesis of the FIR is a money dispute which has been given colour of a criminal case. Learned counsel has further submitted that after investigation challan already stands presented and out of total 15 cited prosecution witnesses, 11 stands examined. 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 8.11.2025 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.

6. Before delving into the rival contentions, 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.”

6.1. 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.”

6.2. Furthermore, the Hon’ble Supreme Court in a judgment tiled 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.”

6.3 The petitioner was arrested on 25.1.2025 wherein after investigation was carried out and challan stands presented on 30.1.2025 qua the petitioner. It is not in dispute that total 15 prosecution witnesses have been cited, out of which 11 stands examined. 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.

6.4 As per custody certificate dated 8.11.2025 filed by learned State



counsel, the petitioner has already suffered incarceration for a period of 9 months and 12 days. As per the said custody certificate, the petitioner is stated to be involved in 2 more cases/FIRs. 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/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.

(SUMEET GOEL)
JUDGE

14.1.2026
Ashwani

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