

2026.PHHC.057038



CRM-M-27641-2025

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

110

CRM-M-27641-2025 (O & M)

Date of decision: 16.04.2026

KAPIL SHARMA ALIAS MOHIT SHARMA ALIAS GARRY SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Samay Sandhawalia, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS, is for grant of regular bail to the petitioner in case FIR No.93 dated 23.08.2023, registered at Police Station Majitha Road, Amritsar, under Section 420 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014 and Sections 419 and 201 IPC (added later on).

2. Status report by way of affidavit of the Assistant Commissioner of Police, North, Amritsar filed in the Court, is taken on record.

3. Learned counsel contends that the petitioner has been in custody for 2 years, 7 months and 17 days. He alleges false implication.

There is delay of more than 5 months in lodging the FIR. He has not

CRM-M-27641-2025

received any amount in his account, which was allegedly paid to him in cash. He is an employee of Company, which was owned by one Vakab Singh, who has not been arraigned as an accused. The offences are triable by the Magistrate. Charges have been framed on 30.05.2024, 6 PWs including the complainant, stand examined but there are still 9 more to go. He is involved in 15 more cases wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having received the amount and duped the complainant. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in other cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several

CRM-M-27641-2025

criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 7 months and 17 days; on bail in other cases; it is a case of magisterial trial; charges stand framed on 30.05.2024, however, 6 PWs including the complainant, have been examined, out of 15; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.

CRM-M-27641-2025

- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

16.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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