



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

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**CRM-M No.30667 of 2026
Date of decision : 1.7.2026
Date of uploading : 1.7.2026**

Jangbir Singh**Petitioner**
Versus
State of Haryana and another**Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Abhimanyu Singh, Advocate and
Mr. Anupal Singh Tanwar, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, Haryana

Mr. Rajesh Sharma, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present second 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.246 dated 14.8.2024 under Sections 406, 420, 467, 468, 471 of IPC, registered at Police Station Bawani Khera, District Bhiwani.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, The Hon'ble I.G. Sir, Rohtak. Subject: Application regarding action to be taken against the accused persons. Accused persons: (1) Jangbir son of Bhururam, Mobile No. 8685888719, (2) Amit son of Jangbir, Mobile No. 9671482788, residents of Village Vaiharpura, Tehsil and District Bhiwani, and other accused persons who may be found involved in this matter.



Respected Sir, the applicant makes the following prayer that the applicant is a very decent person and has complete faith in the law, whereas the accused persons are very cunning and clever in nature and carry out every act by mutual conspiracy and commit cheating with people and defraud them. That the applicant came to know accused Jangbir when he used to come and go to his sister's house at Village Durjanpur, after which accused Jangbir told the applicant that he would get both his sons recruited in the Army, for which money would be required; the applicant being a simple-minded rural person came into his words and in the year 2018 gave him ₹4,00,000/- in cash, and thereafter the accused took the applicant's son Preet with him to Siliguri for getting him employed in MES and there also made him spend lakhs of rupees and said that no work was done and that he would surely get a job in the next recruitment. That thereafter the accused and his son Amit together kept passing time in the same manner, and in the year 2020 again the accused persons came to the applicant's house and this time said that they would get both sons employed, for which ₹12,00,000/- more would be required, upon which after a few days the applicant gave ₹12,00,000/- in cash to the accused persons, and the accused persons took the applicant and his sons to Srinagar twice in August and September 2021; the applicant, his sons and the accused went there by aeroplane, and there the accused kept roaming the applicant and his sons here and there for many days and in the end ran away after leaving them in front of the Army Office, and the fake documents regarding Army recruitment which were given, when shown in the office were declared fake by the officers, after which the applicant and his sons somehow returned back with great difficulty. That when again and again the applicant started telling the accused persons to return his money, the accused prepared another fake paper and said that this time the recruitment was in Jabalpur and there the work would surely be done, but there also everything was found to be fake, and in this manner once again in the year 2022 the accused took the applicant to Bareilly, where also no recruitment was found, and apart from this the accused persons sent some false and fake documents by post also to the applicant and his sons Rahul and Preet, which are annexed with the application. In this manner the accused persons by mutual conspiracy sent forged joining letters and other documents to the applicant and his sons many times, which are completely fake, and by cheating misappropriated ₹16,00,000/-



from the applicant, and when the applicant asked for his money back the accused persons also gave threats to kill the applicant and his sons. That in this manner the accused persons by way of a conspiracy cheated and forged documents by preparing fake joining letters and documents and committed fraud with the applicant and his sons, and apart from the accused persons other persons who are involved in preparing and sending fake joining letters and documents should also be arrested at the earliest and the total amount of ₹16,00,000/- taken from the applicant in the name of getting a job should be recovered from the accused persons, therefore in view of the seriousness of the matter you are requested that the investigation be got conducted from some senior officer and such gangs who cheat people by fraud and forgery should be arrested at the earliest and legal action be taken against them. Copies of all the fake documents which were given by the accused persons to the applicant are annexed with the application. Therefore by presenting this application it is requested that strict legal action be taken against the accused persons and the amount of ₹16,00,000/- be recovered from them. Your honour shall be greatly obliged. Place: Bhiwani Date: 08.02.2024 Applicant: Subhe Singh son of Raj Kumar, resident of Village Durjanpur, District Bhiwani. Mobile No. 8569890422 Sd/- Subhe Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.2.2026. Learned counsel has further urged that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that one complaint earlier made against the petitioner was thoroughly investigated into by the police and it was found therein that the alleged documents which are stated to be fake were sent by one Mahavir from Jammu but the same aspect was ignored when the petitioner was arrested. Learned counsel has further argued that the petitioner is a man aged 53/55 years and does not keep good health. Learned counsel has further iterated that the previous bail petition filed by the petitioner was withdrawn on 21.04.2026 as challan/charge sheet was



not presented at that time. Learned counsel has further argued that subsequently challan/charge sheet stands presented and the petitioner is facing trial in accordance with law. 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 30.6.2026 in Court, which is taken on record.

4.1 Learned counsel for the complainant has vociferously opposed the prayer of regular bail to the petitioner on the ground that there are direct and serious allegations against the petitioner. Learned counsel has further submitted that the petitioner is guilty of having committed a serious offence and has been allegedly involved in forgery and cheating. Learned counsel has further iterated that in case the petitioner is released on bail, he may abscond from the process of justice and also intimidate the petitioner. On the strength of these allegations, he has opposed the concession of regular bail to the petitioner.

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

6. At this juncture, 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 11.2.2026 whereinafter investigation was carried out; challan was prepared on 22.5.2026 and



subsequently filed. Total 13 prosecution witnesses have been cited but none has been examined till date. 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 30.6.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 18 days.

6.5 As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under sections 209 of Bharatiya Nyaya Sanhita, 2023. 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

1.7.2026
Ashwanii

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