



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

263

**CRM-M-33320-2026
Date of decision:02.07.2026**

PAWAN @ PAWAN KUMAR

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.146 dated 08.04.2025 for the commission of offence punishable under Sections 318(4) [Sections 316(2), 351(2) and 61(2) added later on] of Bharatiya Nyaya Sanhita, 2023, Police Station Dharuhera, District Rewari.

2. Briefly stating the facts emerging from record are that the FIR of this case has come into being at the instance of 'Manoj Sharma', hereinafter being referred to as 'complainant' only. It has been alleged by the complainant that he alongwith petitioner and co-accused 'Birender Singh' & 'Ajit' had constituted a trust in the name of 'Macvision Education Trust', and that all the



members of the above-mentioned trust were having a defined share therein. According to above-named complainant, the above-mentioned trust had taken a school namely 'Aviraj World School' on lease and was running the same. The complainant has further alleged that subsequently another school namely 'Sanskar Bharti Public School' was also taken on lease by the trust and the business of both the schools was joint. As per complainant, he invested a substantial amount in the above-mentioned institution, carried out construction/fabrication work and also advance friendly loans amounting to Rs.90,00,000/- and Rs.1,17,92,000/-, for the running of the school, and that out of above-mentioned amount Rs.20,00,000/- still stands outstanding.

3. It has been further alleged by the complainant that in May, 2021 after the death of partner 'Ajit', the petitioner and co-accused, with dishonest intentions, started manipulating the affairs of the trust and business and reduced the share holding of the complainant in the above-mentioned trust by transferring the same to other persons without consent of the complainant. The complainant has further alleged that the petitioner and his co-accused opened a separate account and started depositing the school fee in the said account and thereby diverted the income of the institution. According to complainant the petitioner in connivance with other accused not only introduced new partners in the trust, but also cancelled the earlier lease deed and executed fresh lease arrangement in respect of the school to take over control of the institution and pushed away the complainant from the business. As per complainant in the above-mentioned fashion, he has been subjected to loss of approximately of Rs.2,50,00,000/- and thus, he has been cheated.

4. It is the case of the prosecution that pursuant to above-mentioned



statement, formal FIR of this case has been lodged and the investigation has been taken up.

5. Notice of motion.

6. Since advance notice has already been served upon the State, Mr. Vishal Singh, AAG, Haryana, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with. The learned State Counsel has filed the status report. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is innocent, having no nexus, whatsoever with the commission of crime, and that he has already suffered incarceration for a period of more than two months. It has been further contended by learned counsel for the petitioner that in the present case merely on the basis of false allegations of cheating, with regard to a dispute which is purely a dispute of civil nature, the petitioner is being prosecuted. According to learned counsel for the petitioner in fact the dispute between the petitioner and the complainant is a dispute with regard to rendition of account, and that for proper redressal of grievance of the petitioner, the remedy available to the complainant is the civil suit, but with an intention to twist arms of the petitioner, on the basis of false and frivolous allegations the instant FIR has been lodged.

9. The learned counsel for the petitioner has further contended that otherwise also the entire evidence to be collected by the Investigating Agency, in the present case, is documentary in nature. As per learned counsel for the petitioner the offence committed by the petitioner is triable by the Court of Judicial Magistrate, and that the maximum punishment prescribed for the



offence is imprisonment up to seven years only, and therefore, the petitioner is entitled to the benefit of bail.

10. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel in the present case the gravity of offence committed by the petitioner can be gauged from the quantum of funds involved in the commission of offence.

11. The record has been perused carefully.

12. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the maximum punishment prescribed for the offence is imprisonment up to seven years;
- iii) that the petitioner is already in custody for a period of more than two months;
- iv) that the petitioner has no criminal antecedents;
- v) that as per facts set out by the prosecution the entire evidence to be collected by the Investigating Agency is documentary in nature;
- vi) that the facts and circumstances of the present case shows that prima facie the dispute between the parties seems to be a dispute of civil nature i.e. rendition of account and recovery of money;
- vii) that the trial is not likely to be concluded in near future
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;



- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

13. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".

14. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation and Another' (2022) 10 SCC 51, are also relevant in this case. In the



abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

15. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

16. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”,



2024 SCC Online SC 4354.

17. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled to the benefit of bail, and that the present petition deserves to be allowed.

18. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

02.07.2026

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