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2026:PHHC:002648



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Nitin Kumar Mittal
.....Petitioner
Versus
State of Haryana
...Respondent

Date of decision: January 13, 2026
Date of Uploading: January 13, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Ms. Kashish, Advocate and
Ms. Aakriti Mittal, Advocate for the petitioner.
Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.208 dated 28.07.2023, registered for the
offences punishable under Sections 406 & 420 of the Indian Penal Code, 1860
(for short ‘IPC’), at Police Station Siwani, District Bhiwani.

2. The gravamen of the allegations against the petitioner is that the
complainant, namely, Jitender, who is the Director of his firm, stated that he
had ongoing commercial transactions with a firm owned and managed by the
Nitin Mittal (*petitioner herein*) and his brother Gopal Mittal. As per the
established business arrangement, the petitioner used to supply their products

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against purchase orders and advance payments. In accordance with this arrangement, the complainant regularly deposited amounts into the firm account of the petitioner and, in return, received goods supplied by them from time to time. However, an amount of ₹74,74,224/- remained outstanding and payable by the petitioner towards the complainant. When the complainant demanded the supply of the requisite quantity of goods against the outstanding amount, the petitioner deliberately refused to do so. Upon further inquiry and commercial negotiations, it emerged that the petitioner had intentionally, dishonestly, and with prior planning, cheated the complainant and misappropriated a sum of ₹74,74,224/-, thereby causing wrongful loss to the complainant and wrongful gain to themselves.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.06.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that there were business transactions between the petitioner's firm and the complainant-side, which, in fact, had a running account, and on account of business dispute, the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that offences under Sections 406/ 420 of the IPC are not made out from the factual *milieu* of the case in hand. 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 12.01.2026, in the Court today, which is taken on record.

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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.”

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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 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 unconvicted 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 13.06.2025 whereinafter investigation was carried out and challan has been presented on 08.08.2025. Total 08 prosecution witnesses have been cited, out of which, only 01 has been examined till date. It is, thus, indubitable that conclusion of the trial will take long time. 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

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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 12.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 07 months. 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*; 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.

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- (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/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.

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

(SUMEET GOEL)
JUDGE

January 13, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No