

CRM-M-39109-2025 (O & M)

2026:PHHC:089317



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(139)

CRM-M-39109-2025 (O & M)
Date of decision:02.07.2026

Sushil Kumar

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chahat Goyal, Advocate,
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Karan Jangra, Advocate,
with Mr. Anmol Tuteja, Advocate
and Ms. Raahat Kataria, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 BNSS, 2023 (Section 439 Cr.P.C.) is for the grant of the regular bail to the petitioner in FIR No.8 dated 06.01.2024 under Sections 420, 406 and 120-B IPC registered at Police Station City Fatehabad, District Fatehabad.

2. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, he was running an IELTS Centre. It was the complainant who had approached him to send him (complainant) abroad. Though, the petitioner has received certain amounts but the complainant did not make the payment of the balance amount and therefore, the fee of the college and the Visa fee could not be deposited. The offence, if any, is of a civil nature. As the petitioner is in



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custody since 18.12.2024 but only 01 out of the 18 prosecution witnesses has been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

3. The learned counsel for the State and the counsel for the complainant, on the other hand, while referring to the status report dated 05.01.2026 which is on record, contend that the allegations against the petitioner are grave inasmuch as he has cheated the complainant of an amount of Rs.23,40,047/- on the pretext of sending him abroad. Therefore, he is not entitled to the concession as prayed for. They, however, concede that the petitioner is in custody since 18.12.2024, that only 01 of the 18 prosecution witnesses has been examined so far and that the case is triable by the Court of a Magistrate.

4. I have heard the learned counsel for the parties.

5. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”



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6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 18.12.2024 but only 01 of the 18 prosecution witnesses has been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sushil Kumar is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

9. The present petition stands disposed of.

10. The pending application(s), if any, shall stand disposed of accordingly.

July 02, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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