



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

225

CRM-M-40982-2025

Date of decision: 09.01.2026

Joga Singh @ Surjit Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Mr. K.S. Saini, Sr. DAG, Haryana.

Mr. Manvender Singh Dalal, Advocate and
Mr. Himanshu Kashyap, Advocate
for the complainant.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.61 dated 30.01.2025 registered against him, u/s 420, 406, 120-B IPC and Section 24, 10 of Immigration Act at Police Station Thanesar Sadar, District Kurukshetra, has prayed for grant of bail.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Complaint No.660-KB dated 05.12.2024 was received from the office of Superintendent of Police, Kurukshetra for taking appropriate legal action against Avtar Singh, Karamjeet Kaur, Rajwant Singh for committing fraud of Rs.50,00,000/- on the pretext of sending complainant namely Harman Singh, his wife Kirandeep Kaur, thus his son Smarth and Pardeep son of Chamma to Canada. Contrary to their promises, the accused persons send complainant and his family to Dubai, who all however had to return back on 15.12.2021. When the accused persons failed to send complainant and his family members to



Canada, they returned Rs.8 lacs to him but remaining amount has still not been paid.

Primarily with this backdrop, complainant requested the police officials to catch hold of the accused, as also to initiate appropriate criminal proceedings against him. On the basis of the said complaint, a formal case vide FIR No.61 dated 30.01.2025, u/s 420, 406, 120-B IPC and Section 24, 10 of Immigration Act, was registered.

3. Petitioner/accused, who was arrested on 10.03.2025, moved an application for grant of bail before the learned Additional Sessions Judge, Kurukshetra. The same was dismissed vide order dated 17.07.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, who was not named in the FIR, has been falsely arrayed as co-accused in the present case only on the basis of disclosure statement of co-accused Rajwant Singh. Learned counsel further submits that said disclosure statement, in the absence of recovery of any other incriminating material, is not admissible in evidence. Continuing further, it is the submission of learned counsel that petitioner has not received any amount. Even the video clipping relied upon by the prosecution shows only co-accused Rajwant Singh and Avtar Singh (who has since been granted the concession of bail). It is further the submission of learned counsel that in almost all other criminal cases registered against petitioner, he is on bail. Insofar as present case is concerned, examination-in-chief of complainant has been recorded but the trial has not proceeded further, as an application u/s 319 Cr.P.C. is still pending adjudication before the learned trial Magistrate. Thus, the possibility of trial being concluded in the near future is quite remote.

In the light of submissions advanced hereinabove, learned counsel prays that petitioner, who has been in custody since 10.03.2025,



deserves a lenient view to be taken in his favour by extending him the concession of bail, for his further incarceration would not serve any useful purpose. Prayer for allowing the petition has been made.

5. Per contra, learned State counsel contends that petitioner is the kingpin of the entire incident. It was at his instance that co-accused Rajwant Singh took money from complainant party and assured them to send abroad. The fact that petitioner is involved in several other cases of like nature is indicative of his questionable past antecedents and thus, if extended the concession of bail, there is every likelihood of him committing the same offence yet again and fleeing from the process of justice by not appearing in the Court. Dismissal of the petition has been prayed for.

6. Both the counsel have been heard and documents on record have been perused.

7. Factual aspects of the case leading to the arrest of the petitioner have already been noticed hereinabove. Admittedly, the petitioner was not named in the FIR, his name cropped up in the disclosure statement of co-accused Rajwant Singh.

In view of the submissions raised by learned counsel for the petitioner, but without advertent to merits of the case as also taking note of the fact that petitioner has been in custody since 10.03.2025 and only examination-in-chief of complainant has been recorded, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and***



another, 2012(1) RCR (Criminal) 586, Hon'ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

As regards the submission of learned State counsel with respect to the questionable past antecedents of the petitioner is concerned, suffice it would be point out that as per settled law, bail application of the petitioner can solely not be rejected on the ground that he is involved in other cases.

Recently, a Co-ordinate Bench of this Court in **Neelkamal Singh Alias Billa Vs. State of Punjab** passed in CRM-M-39765-2024 has held that although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

*“Therefore, 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 is the mandate of the Apex court in “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, **(1980) 1 SCC 98**. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of*



trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.”

Resultantly, petitioner is granted the concession of bail subject to his furnishing personal bond along with two local surety bonds of Rs.2 lakhs each to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) 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.*
- (vi) 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.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same*



shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made 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.

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

(AARADHNA SAWHNEY)
JUDGE

09.01.2026

Hemant

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