



CRM-M-43640 of 2025

-1-

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

224

CRM-M-43640 of 2025
Date of Decision: 11.02.2026

Nitin Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sunil K. Rana, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

Mr. Pawan Attri, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.74 dated 13.03.2025 registered under Sections 406 and 420 of IPC, at Police Station Pehowa, District Kurukshetra.
2. Brief facts of the present case as per the prosecution are that the petitioner along with co-accused duped the complainant for an amount of Rs.11,26,000/-, under the pretext of arranging visa for the complainant and his family members. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the daughter of the complainant was already in Russia

**CRM-M-43640 of 2025****-2-**

and the complainant and other relatives also went to Russia and therefore, no question arises for giving any amount to any one for going abroad. He further submitted that there is not even an iota of evidence with the prosecution to link the petitioner with the offence. The petitioner is in custody since 17.05.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report filed in the matter, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 08 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; the complicity of the petitioner is a matter of trial and the same will take a long time to conclude.



CRM-M-43640 of 2025

-3-

Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

11.02.2026
D.Bansal

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