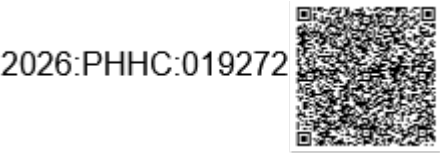


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-55931-2025 (O&M)

Abhishek @ Vicky

... Petitioner

Vs.

State of Haryana

... Respondent

1.	The date when the judgment is reserved	05.02.2026
2.	The date when the judgment is pronounced	09.02.2026
3.	The date when the judgment is uploaded on the website	09.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kartik Sharma, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. This petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking grant of regular bail in case bearing FIR No.155, dated 28.04.2024, registered under Sections 406 and 420 IPC (offences punishable under

Sections 467, 468, 471 IPC and Section 24 of the Immigration Act were added lateron) at Police Station Munak, District Karnal.

2. The aforementioned FIR was registered on the basis of complaint submitted by complainant – Laxmi Devi on the allegations that her daughter Sonam Devi came into contact with accused Deepanshu Chauhan, who allured her on the premise that he could get her settled in Australia on spending an amount of Rs.23 lakhs. On being induced by him and as per his instructions, her daughter gave an amount of Rs.3,20,000/- to the present petitioner. The documents as asked by him were also given. Subsequently, an amount of Rs.7 lakhs was transferred in the account of Deepanshu Chauhan and an amount of Rs.2,60,000/- was given in cash to the present petitioner. Fifteen days thereafter, accused sent through an email visa to the daughter of the complainant but the same was found to be fabricated document. The complainant asked for her money back from the petitioner and the co-accused but initially they kept on putting of the matter or on one pretext or the other and then extended threats to kill him and his family members. The complainant had given a complaint on 21.11.2023 also. A panchayat meeting was convened at the police post and the accused had agreed to return the money by 15.01.2024 but did not returned the same, thereby causing huge financial loss to the complainant. After registration of the FIR, investigation proceedings were initiated. It was found that the petitioner was confined in District Jail, Karnal in connection with some other case. He was joined into investigation by way of issuance of production warrants and was arrested on 03.02.2025. On interrogation, he suffered disclosure statement admitting his involvement in the crime and

also that he had received an amount of Rs.12,38,000/- from the daughter of the complainant. He got recovered an amount of Rs.7 lakhs only. Investigation now stands completed and the challan has been presented. The previous petition filed by the petitioner had been dismissed on 10.07.2025 with liberty to file a fresh one after examination of the complainant.

3. It is argued by learned counsel for the petitioner that a period of more than 06 months has passed after dismissal of his previous petition. The complainant had been examined-in-chief but thereafter an application under Section 319 Cr.P.C. had been filed by the prosecution which is still pending and has not been disposed of by the learned trial Court. The delay in conclusion of examination of the complainant is not attributable to him. He is in custody since long. There are no chances of conclusion of the trial in near future since all the prosecution witnesses practically remained to be examined. His further incarceration would not serve any useful purpose. It is, thus, argued that he deserves to be released on bail.

4. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature. He had duped the complainant of a huge amount of money on the pretext of sending her daughter abroad. He is involved in one more case of similar nature and has not been extended benefit of bail in that case and is also involved in several other cases, some of which, are relating to heinous crime. There are chances of his absconding, committing similar offences or intimidating the witnesses, if extended benefit of bail. It is, therefore, argued that the petitioner does not deserve to be extended the benefit of bail.

5. This Court has heard the rival submissions made by learned

counsel for the parties at a considerable length.

6. The petitioner in connivance with the co-accused is alleged to have cheated the complainant's daughter by inducing her to part with a huge amount of money. The allegations *prima facie* make out a case for commission of subject offences against him. However, he has been in custody for a period of over 01 year now. The trial will take considerable time to conclude since even first witness of the prosecution has not been completely examined so far. The subject offences are triable by the Magistrate. Though, the examination of the complainant has not been completed yet but the same cannot be attributed to the petitioner. There is no basis in the contention that the petitioner may intimidate the witnesses or abscond, if extended benefit of bail. Every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Reliance in this regard can be placed on the observations made by the **Hon'ble Apex Court in *Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352***, wherein it was observed that the jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No. 8656 of 2023 decided on 14.09.2023*** and ***Rabi Prakash v. State of Odisha, 2023 LiveLaw (SC) 533***, wherein bail was granted to the accused who had been

incarcerated for a period of almost two to three years and the trial was likely to take considerable time, by observing that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution.

7. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of about 01 year. The trial is not likely to be concluded in near future; the continued detention of the petitioner is not likely to serve any fruitful purpose and there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond. The well settled proposition of law is that pre-trial incarceration should not be a replica of post conviction sentencing. The object of bail is neither punitive nor preventative. Taking into consideration the above- discussed facts, but without meaning to make any comment on the merits of the case, the petition is allowed, and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds, to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

8. It is clarified that the observations made above shall not be

construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

09.02.2026
harjeet

(MANISHA BATRA)
JUDGE

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