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CRM-M-54351-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(231)

CRM-M-54351-2025 (O&M)

Date of decision : 20.01.2026

SARABJEET SINGH @ SUNNY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gopal Sharma, Advocate and
Ms. Palak Jain, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

Mr. Veneet Sharma, Advocate for the complainant

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.71 dated 20.07.2024 registered under Sections 406, 465, 471 and 120B of IPC (Section 323, 467, 468 IPC added later on) at Police Station Maqboolpura, District Amritsar.

2. As per the allegations, the petitioner and the co-accused who were family members of the petitioner, had induced the complainant, who is a jeweller by profession, to deliver gold jewellery items weighing 1293.640 grams having worth of Rs.93 lakhs approximately on the premise that they would sell the same to other persons and then fetch

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good profits. The co-accused, however, duped the complainant and neither gave back the unsold jewellery nor the profits allegedly fetched by them and disclosed to the complainant that the gold ornaments given by him to them had been confiscated by Custom Department from the present petitioner. Even the receipt purported to be issued by the Custom Department regarding confiscation of gold had also been shown to the complainant. However, subsequently, the complainant came to know that he had been cheated and wrongful loss had been caused to him. After registration of FIR, investigation proceedings were initiated. The co-accused were arrested. Recovery of one gold biscuit and cash amounting to Rs.15 lakhs had been effected from them. The petitioner, however, could not be apprehended and proclamation proceedings were initiated against him. He was arrested subsequently and in custody since 23.06.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The co-accused have been extended benefit of bail. The case of the petitioner is even at a better footing since the allegations do not make out any case for commission of offences of forgery or cheating as against him. He is in custody since long. The subject offences are triable by Magistrate. No recovery has been effected from him nor the same is to be effected. His continued detention would not serve any useful purpose. He has clean antecedents. With these broad submissions, it is urged that he deserves to be extended benefit of bail.

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4. Status report and custody certificate have been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are serious and specific allegations against the petitioner, who was the master-mind of the crime and who in connivance with the co-accused had induced the complainant and his family members to part with huge quantity of gold ornaments on the pretext of selling them on profit and sharing the same with the complainant. It is argued that there are chances of petitioner's intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by the counsels for the parties at considerable length.

6. The petitioner in connivance with the co-accused is alleged to have caused wrongful loss to the tune of Rs.93 lakhs approximately as gold ornaments having this much value had been taken by the co-accused and the petitioner from the complainant with dishonest intention to cheat him and to cause wrongful loss to him and also to criminally misappropriate the same. The allegations make out a prima facie case against the petitioner. However, now he is in custody for a period of over 07 months. The trial will obviously take time to conclude since only 03 out of 15 prosecution witnesses have been examined. The co-accused have already been extended benefit of bail. The petitioner is not required for further investigation. No useful purpose would be served by detaining the petitioner anymore. It is a well settled proposition of law that bail is the rule and jail is an exception. Even otherwise pre-trial incarceration should

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not be replica of post-conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice either of the parties, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.
- (iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.
- (vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and

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shall not change his mobile number(s) during the pendency of the trial.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

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

(MANISHA BATRA)
JUDGE

20.01.2026
Amit Sharma

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