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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.57220 of 2025
Date of Decision: 16.02.2026

Baldev ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Salil Dev Bali, Senior Advocate with
Mr. Chirag Suri, Advocate,
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana,
for the respondent-State.

Mr. Jatinder Kumar Kanwal, Advocate and
Mr. Abhinav Gupta, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short
“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
227	07.07.2024	Sector 9A, District Gurugram	120-B, 420, 467, 468 and 471 of IPC

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2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Umed Singh Chaudhary (For short "complainant") posted as Branch Manager in Union Roadways (For short "Company"), Gurugram alleging therein that the present petitioner who was posted as Traffic Head Incharge in the Company by conniving with Pawan Kumar, Accountant and Data Operator Suresh, had prepared false and fabricated documents qua hiring of vehicles of BSR Roadways and BSR Logistics by the Company and had embezzled an amount of about Rs.4 crores during the last 2-3 years on the basis of those false and fabricated documents. He alleged that this fact had come on record during the audit that had recently being conducted.

3. After registration of FIR, investigation proceedings were initiated. During the course of investigation, the complainant produced several documents in the form of challan lists, bills, fake Bilty challans, Manifest MFIL GP Copy Original and amount confirmation in account papers etc. The bank record of the complainant as well as details of the bank accounts maintained by the petitioner and co-accused were collected. It was revealed that though the petitioner and the co-accused were having salary of Rs.15,000/- to Rs.22,000/- only but huge amount of money was transferred in the bank accounts of their family members as well as themselves on the basis of fake bills and fare of the vehicles of aforementioned companies which prima facie showed the complicity of the petitioner and the co-

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accused in the crime. Record from GPS Company India Trackers/SR Transport Management Service Private Limited and GPS Company Axes Tracker Pvt. Ltd. was also obtained and it was revealed that no material was loaded in the vehicles of BSR Roadways and BSR Logistics though the Company of the complainant used to hire heavy vehicles of BSR Roadways and BSR Logistics for transportation of its goods. The petitioner along with the co-accused by showing excessive weight of the goods transported by BSR Roadways and BSR Logistics, used to prepare forged documents, extracted some goods from the consignment and on the basis of forged documents, used to show excess vehicles and select destinations for claiming higher fare and for extracting money in the name of fare in transportation.

4. As per the further allegations, the accused Pawan Kumar was arrested on 18.03.2025. The petitioner was joined into investigation on 22.03.2025 and accused Suresh was arrested on 31.03.2025. All of them suffered their disclosure statements admitting their involvement in the crime. Investigation now stands concluded.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The petitioner was only a Traffic Head whereas the complainant was Branch Manager of the Company. No financial transaction or payment could be done without the express or prior approval and authorization of the complainant. The amounts of money were credited into his account was with prior knowledge and approval of the complainant

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since before credit of any such payment, the Company's protocol required a Bank Verification Form bearing the signatures of the complainant only and this fact itself demonstrates his role and participation and establish him as a conspirator in the alleged fraud. Infact, in 2019, the complainant had suffered a brain haemorrhage. The petitioner had taken over charge of the responsibilities of the Company. Even during that period, all the final cheque approvals, payment clearances and mandatory bank verification forms continued to require the signatures and authorization of the complainant who had been using the personal account of the petitioner for depositing Company's money and for avoiding tax. He had taken numerous cheques from the account of the petitioner for withdrawing money. Whatever money was credited to the account of the petitioner and the co-accused was bearing the signatures of Director Sh. D.N. Aggarwal and of the complainant. All the company vouchers bore his signatures.

6. It is further argued that it was the complainant on whose directions, incentives or other amounts of money were transferred in the personal account of the petitioner. These amounts were further transferred to account of BSR Roadways as per the instructions of the complainant and he used the account of the petitioner as a medium to fund BSR Roadways for his own purposes. Investigation qua him stands completed. The trial will take considerable time to conclude. The subject offences are triable by Magistrate. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

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7. Status report has been filed. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. There are chances of his intimidating the witnesses or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

8. This Court has considered the rival submissions.

9. The petitioner in connivance with the co-accused is alleged to have cheated the Company in which he was employed as a Traffic Head on the basis of forged and fabricated documents in the form of vehicle fares, fake invoices, bills, fake challans etc. and also by diverting it to the accounts of family members etc. The allegations prima facie show his complicity in the subject crime. However, he is in custody since 22.03.2025. The investigation stands concluded. The trial will take considerable time to conclude. The offences for which he has been booked are triable by Magistrate. The continued detention of the petitioner will not serve any useful purpose. As such, further pre trial incarceration of the petitioner would not be of any use. It is well settled proposition of law that pre trial incarceration should not be a replica of post conviction sentencing and the bail is the rule and jail is an exception. The detention prior to trial should not become punitive. In view of the discussion as made above, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial

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Court/CJM/Duty Magistrate concerned.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

16.02.2026
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(MANISHA BATRA)
JUDGE

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