

2026.PHHC.044890



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-55223-2025

Hem Raj
...Petitioner
Versus
State of Punjab
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	18.03.2026
2	The date when the judgment is pronounced	23.03.2026
3	The date when the judgment is uploaded on the website	25.03.2026
4	Whether only operative part of the judgment is pronounced or 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. Arshvir Singh Sandhu, Advocate for the petitioner.
Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 253 dated 01.09.2023 registered under Sections 406, 420 and 120-B of IPC, Sections 4, 5, 12, 18 and 76 of Chit Fund Act, 1982 and Sections 21 and 23 of the Banning of Unregulated Deposit Schemes Acts, 2019 at Police Station Zirakpur, District SAS Nagar.

2. The aforementioned FIR was registered by the complainants Rajiv Kumar, Asha Ram and Manish Gogna alleging that they were working

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in a company named as IDM Infotech Ltd.. Accused Vipin, who was known to the complainants, had approached complainant Rajiv Kumar in January 2020 with an investment proposal. Initially, the complainant declined the said proposal; however, on account of repeated assurances regarding high returns and representations made by the accused persons, he agreed to invest. It is alleged that an amount of Rs. 70,000/- was deposited by complainant Rajiv Kumar on the asking of accused Vipin Kumar. Thereafter, the said investment plan was discussed with other complainants, namely Asha Ram and Manish Gogna, who were also induced to invest in the said scheme. It is further alleged that the present petitioner along with other accused persons namely Abhishek Sharma and Sunil Siyal held meetings with the complainants at Zirakpur and other places, where they explained the investment scheme and assured lucrative returns. For some time, returns were paid; however, subsequently the payments were stopped. It is further alleged that the accused persons conducted meetings and seminars to gain the confidence of the complainants and other investors. Later on, the company was stated to have been renamed/merged, after which the complainants did not receive any returns. The complainant Manish Gogna was expelled from the company in February, 2023. By alleging that his relatives and himself had invested an amount of Rs. 40 lakhs in the company on being allured by the accused, the complainant prayed for taking action.

3. After registration of FIR, Investigation proceedings were initiated. Accused Sham Sharma, Ashwani Kumar and Sunil Kumar were

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arrested and suffered disclosure statements admitting their involvement in the crime. During the course of investigation, on 21.10.2023, complainant Manish Gogna appeared before the Investigating Agency and produced some documents, *WhatsApp* chats along with a pen-drive containing audio and video recordings of the accused persons. The petitioner was arrested on 21.11.2023. Other co-accused were also arrested subsequently. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has been in custody since long. He is not beneficiary of any transaction. The subject offences are triable by Magistrate. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. Co-accused has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. Therefore, it is argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations and the part attributed to the petitioner, he does not deserve to be extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is in custody w.e.f. 21.11.2023 i.e. for a period of 02 years, 03 months and 29 days. Though the allegations *prima facie* make out a case for commission of subject offences against him, however, he has

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been in custody for a considerable period of time. Trial is not likely to be concluded since many prosecution witnesses remained to be examined. As such, no useful purpose would be served by detaining the petitioner in custody anymore. The well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. 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. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. 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.
9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd March, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No