



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

107

CRM-M-54942-2025 (O&M)

Date of decision : 07.03.2026

Ram Saroop @Ramswaroop Karwasara

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Jasmine Garg, Advocate for the petitioner.
(joined through hybrid mode)

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Davinder Singh Saini, Advocate for the complainant.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.03 dated 08.04.2025, for the commission of offence punishable under Sections 318(4), 319(2) and 111 of Bharatiya Nyaya Sanhita, 2023 and Section 66-D of Information Technology Act, Police Station Cyber Crime, Police Station Rupnagar, District Rupnagar.

2. The abovementioned FIR came into being at the instance of 'Lokesh Goyal', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he had received a message on his WhatsApp No.85289-99222, from an unknown person, who asked him



to download the Telegram application. According to complainant, when he downloaded the Telegram application, he received a message from an ID which was in the name of 'Deepak Chopra'. As per complainant he started chatting with 'Deepak Chopra', and thereafter, on receipt of a message through Telegram application, he joined a group.

3. It is the claim of the complainant that he was prompted to invest money for speedy growth, and that being influenced by the claims made by the abovesaid persons, through abovementioned Telegram application, he invested a sum of Rs.30,65,000/-, by transferring money through various modes on different occasions.

4. It is the case of the prosecution that on the basis of abovementioned statement, the formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation, the petitioner has been arrested.

5. Power of Attorney on behalf of the complainant has been filed. The same be taken on record.

6. The learned State Counsel has filed custody certificate of the petitioner. The same, too, be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is a bank employee, who has been falsely implicated in the present case, and that he has no role to play in the commission of crime. It



has also been contended by learned counsel for the petitioner that the main offence alleged to have been committed by the petitioner is the offence under Section 318(4) of the BNS, and that the abovementioned offence is compoundable in nature.

9. In reference to abovementioned arguments, it has been further contended by learned counsel for the petitioner that the complainant has already entered into a compromise with the petitioner, and that the parties have already decided to file a petition seeking for quashing of FIR in question on the basis of compromise.

10. In addition to above, the learned counsel for the petitioner also contended that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than one month, and that the offence is triable by the Court of Judicial Magistrate. According to learned counsel for the petitioner, the petitioner has clean antecedents. In view of above contentions, the learned counsel for the petitioner has urged for the concession of bail for the petitioner.

11. The learned State Counsel has controverted the abovementioned. According to learned State Counsel, the allegations against the petitioner are of serious nature, and therefore, even if a compromise has been arrived at between the petitioner and the complainant, the petitioner is not entitled for the benefit of bail.



12. The learned counsel for the complainant has not controverted the plea of learned counsel for the petitioner. Rather he has conceded that the parties have reached to a compromise.

13. The record has been perused carefully.

14. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of more than one year;
- iii) that the petitioner has clean antecedents;
- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in trial.

15. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant,



wherein it has been observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

16. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor



weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

17. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

18. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated



by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

19. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

20. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

07.03.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No