



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

109+228

CRM-1048-2026 in/and
CRM-M-57574-2025 (O&M)
Date of Decision : 15.01.2026

RAJENDER

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Ajay Kumar Kansal, Advocate
for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

CRM-1048-2026

This is an application u/s 482 Cr.P.C. to place on record status report dated 15.10.2025 by way of affidavit of Mr. Atma Ram, Deputy Superintendent of Police, District Panipat (Annexure P-10) filed on behalf of respondent-State in connected matter bearing CRM-M-53974-2025.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexure P-10 is taken on record.

CRM-M-57574-2025

1. This petition for grant of bail under Section 439 Cr.P.C., has been filed by petitioner, an accused in case bearing FIR No.179 dated 10.08.2024



registered against him at Police Station Sanoli, District Panipat, for the commission of offences punishable u/s 406, 420, 506 of IPC.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

*Cheenu, w/o late Ankit, resident of Village Chhajpur Khurd, Police Station Sanoli, District Panipat, who had lost her husband on 27.12.2020, set the criminal law in motion by filing a complaint pointing therein that her late husband had purchased a vehicle (make Eicher) bearing registration No.HR-67C-4674, in 2020. Few years, thereafter, she received a phone call from accused **Rajender Soni (present petitioner)**, who requested her to give the said vehicle on rent. She accepted this offer and on 16.08.2023, she along with her mother visited Tehsil office in Jind. The vehicle was given on rent to accused Rajender Soni (P) for a period of one year from 16.08.2023 to 15.07.2024. Both the parties agreed that the rent would be paid at the rate of Rs.40,000/- per month. On the same day, the vehicle was taken by accused Rajender Soni (P). Complainant alleged that quite contrary to the agreement, accused Rajender (P) paid the rent of the vehicle only for 2 months. When she demanded the rent from him for later period, he started prolonging the matter on one pretext or the other. Through reliable sources, she came to know that accused Rajender (P) had changed the body of the vehicle and was using the same for illegal purposes. It also came to her notice that Rajender (P) along with Manta, son of Baru Ram and one Anwar Khan were using the vehicle for smuggling illegal liquor. She requested all 3 accused to return the vehicle, however, they threatened to get her killed. With this backdrop, she requested to authorities to initiate legal proceedings against aforesaid 3 persons, as also to recover her vehicle.*



On the basis of the said complaint, a formal case vide FIR No. 179 dated 10.08.2024, u/s 406, 420, 506 IPC, was registered against the present petitioner and other co-accused.

3. An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Sessions Judge, Panipat, in terms of order dated 14.07.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that though admittedly, petitioner had taken the truck in question on rent from complainant-respondent No.2 for a period of one year. The vehicle was used by him for about 02 months, rent for the said purpose was also paid to complainant. Thereafter, he (P) was approached by co-accused Mintu @ Manta (who was earlier known to him) and one Anwar Khan, resident of Bhiwani for taking the truck on hire for one month. Somehow, petitioner got taken in, agreed to this proposal and handed over the possession of truck to aforesaid two persons on 24.02.2023. No written agreement in this regard was executed between petitioner, Mintu etc. Copy of screenshot of CCTV footage installed in the house of petitioner, delivering the possession of truck to Mintu and others is appended along with petition as Annexure P-3, has also been referred to by learned counsel for the petitioner.

To his ill-luck Mintu and others did not return the truck, resultantly, he (P) could not fulfill his promise to complainant. Rather when petitioner questioned Mintu and others regarding whereabouts of truck, they threatened him with the dire consequences and also refused to handover the possession of the vehicle. In this context, a complaint was also lodged by him to Superintendent of Police, Jind, however, no action was initiated.

The next leg of submission raised by learned counsel for the



petitioner is that even if the allegations levelled by complainant qua petitioner are taken to be true at its face-value (though not admitted), it is clear that dispute is purely '*civil*' in nature but deliberately a criminal colour has been given only with a view to harass the petitioner, as also to extract illegal monetary benefit from him.

Towards the end, learned counsel contends that petitioner, who has been in custody since 01.03.2025 and who is himself victim of fraud perpetuated upon him by Mintu @ Mantu and others, deserves a lenient view to be taken in his favour, moreso, when investigations qua him are complete, as challan has been filed, even complainant and other related witnesses have also been examined, thus his further incarceration in custody, when he is not involved in any other criminal case, would not serve any useful purpose as the same would be violative of the fundamental rights guaranteed under Article 21 of the Constitution of India. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to him. Prayer for allowing the petition has been made.

5. *Per contra*, while referring to the Status Report dated 13.12.2025 by way of affidavit of Mr. Atma Ram, Deputy Superintendent of Police, Panipat, has opposed the request for grant of bail pointing therein that petitioner, co accused Manta and Anwar Khan (both of whom have not been arrested till date) in conspiracy with each other defrauded complainant, a widow lady, of her vehicle, which was her only source of livelihood, thus, no leniency deserves to be extended to him (P). Moreover, even now the whereabouts of the vehicle are untraceable, if extended the concession of bail, likelihood of the petitioner fleeing from the process of justice and not appearing before the Court cannot be ruled



out. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "**Gurbaksh Singh Sibbia V. State of Punjab**", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)



“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In *AMERICAN JURISPRUDENCE* (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

Factual aspects of the case have already been highlighted in para 2 of this order. In view of the submissions advanced by learned counsel for the petitioner but without commenting on the merits of the case, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 01.03.2025), as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of *“Bail is a general rule and incarceration is an exception”* as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***



Resultantly, petitioner is granted the concession of bail subject to his furnishing bail bonds and two local sureties to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

(i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.

(ii) The petitioner will not tamper with the evidence during the trial.

(iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

(iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

(v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty



to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

15.01.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No