



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.58030 of 2025 (O&M)

Date of Decision: 20.02.2026

Rishab Janotra

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Jagdeep Singh Bajwa, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the first petition, filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.61 dated 07.07.2025, under Sections 318(4), 336(2), 338, 336(3) and 340(2) [Section 319(2) of BNS added later on] of Bharatiya Nyaya Sanhita, 2023, Police Station Daresi, District Police Commissionerate Ludhaina.

2. Briefly stating the facts emerging from record are that the FIR of this came into being at the instance of 'Ritik', hereinafter being referred to as 'complainant', only. It was stated by the above named complainant that he was working as a labourer in a company, and that 'Rishab Janotra', who was working as Account Officer in Yes Bank came in his contact, and that he misused his relationship with the complainant by asking (complainant) to open account in the bank so that he can meet his target. As per complainant in order to help the petitioner he agreed to open the account in Yes Bank and the



petitioner himself transferred Rs.11,000/- in the account of complainant. It was further alleged by the complainant that on one occasion on the request of 'Rishab Janotra' he had shared the OTP received on his (complainant's mobile phone) and thereafter the petitioner managed to change the mobile number attached to the account of complainant and thereafter, OTPs stopped coming to the mobile phone number of the complainant. As per complainant subsequently by misusing his account through on-line mode a sum of Rs.18,00,000/- was deposited, and thereafter, withdrawn by the petitioner, and thus, a cheating has taken place.

3. It is the case of the prosecution that in view of above mentioned statement, formal FIR of this case was lodged, and the investigation taken up.

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

5. The learned State Counsel has already filed reply in the form of affidavit of Assistant Commissioner of Police (North), Ludhaina. The same, too, be taken on record.

6. Heard.

7. During the course of argument, it has been conceded by learned State counsel that the account was opened by the petitioner with the consent of complainant, and that complainant had never deposited any money in his account. In view of above, apparently it seems to be a case wherein no loss has been caused to the complainant.

8. It has also transpired in this case that some cheques were allegedly misused for withdrawal of money and the signature of complainant were



probably forged on the above mentioned cheques, but with regard to above mentioned allegations the report of expert is yet to be received. Thus, at this stage, it is not possible to ascertain as to whether the signature on the cheques used for withdrawal of money were the forged or not.

9. The record has been perused carefully.

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

- 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 7 months;
- iii) that custody certificate shows that the petitioner has clean antecedents;
- iv) that the maximum punishment prescribed for the offence is imprisonment upto 7 years;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that the trial is not likely to be concluded in near future;
- vii) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;



- ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, 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".

12. The principles laid down by the Hon'ble the Supreme Court of



India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (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”.

13. 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”.

14. 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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

15. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

16. 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 abovesaid benefit 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 from disclosing 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 trial Court.

(SURYA PARTAP SINGH)
JUDGE

20.02.2026
Manoj Bhutani

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