



CRM-M-64290-2025 (O&M)

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

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CRM-M-64290-2025 (O&M)

Date of decision: 18.02.2026

AJIT SINGH SAHI

.....PETITIONER

Versus

STATE OF HARYANA AND ANR.

..... RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Shubham Sharma, Advocate
Mr. Sandeep Rana, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

Mr. Anmol Partap Singh Mann, Advocate
for the respondent No.2-complainant.

SURYA PARTAP SINGH, J.**CRM-1000-2026**

This is an application seeking for placing on record the reply of complainant/respondent No.2 as Annexures R-2/1 to R-2/6. For the reasons stated in the application, the same is hereby allowed and the Annexures R-2/1 to R-2/6 annexed with the application are hereby taken on record.

Main case

1. This is first petition for bail filed by the petitioner with regard to a case arising out of FIR No.182 dated 20.05.2023 under Sections 406, 420, 120-B of Indian Penal Code, hereinafter being referred to as 'IPC' only, Police Station Old Faridabad, District Faridabad. The above-mentioned FIR came into being at the instance of Sukhjeet Singh the complainant/respondent No.2,



hereinafter being referred to as respondent No.2 only. It was alleged by the respondent No.2 that a property dealer namely Arvind Kumar was known to him, who introduced him to the Ajit Singh (the petitioner). According to respondent No.2, Ajit Singh was involved in the business of property dealing at large scale, and that he proposed the complainant to purchase a property of co-accused Ram Singh and Kamlesh for a sum of Rs.3,10,00,000/-, whereas its worth was Rs.4,00,00,000/-. According to respondent No.2 since he was not having the capacity to purchase the entire property, for the purchase of entire property one financier Bhupender Singh was introduced as a partner to the extent of 50%, and thus a deal was struck with Ram Singh and Kamlesh for the purchase of their property.

2. According to complainant later on it was found that Ram Singh and Kamlesh did not have clear title over the property and before entering into contract with the respondent No.2, they had already sold the same. While claiming that he had paid a sum of Rs.60,00,000/- as advance money for the purchase of above-mentioned property and he has been cheated by Ram Singh and Kamlesh. The blame for the above-mentioned act has also been attributed to the petitioner. It has also been alleged by the respondent No.2 that when the dispute was taken up in a community meeting, it was admitted by the petitioner that a part of the money paid by the respondent No.2 to Ram Singh and Kamlesh i.e. Rs.20,00,000/- was received by him. The complainant sought action against the petitioner and his co-accused for cheating him.

3. Heard.

4. It has been contended on behalf of petitioner that the petitioner is innocent, having no nexus, whatsoever with the commission of crime, and that



he has been falsely implicated in the present case. According to learned counsel for the petitioner there is no iota of evidence to show that any part of money paid by the respondent No.2 to the owner of property namely Ram Singh and Kamlesh was ever received by the petitioner, or that he had any intention to cheat the respondent No.2. It has also been contended by learned counsel for the petitioner that in the present case the basic allegations, with regard to fraudulent dealing, are against Ram Singh and Kamlesh, who had even received the money from the respondent No.2. As per learned counsel for the petitioner they have already been enlarged on bail.

5. The learned State counsel being assisted by learned counsel for the respondent No.2 has controverted the above-mentioned arguments. It has been contended by learned counsel for the respondent No.2 that in fact it was only the petitioner, who played pivotal role in the commission of crime, and that in an affidavit sworn by the petitioner, he had admitted that a share of money paid by respondent No.2 to Ram Singh and Kamlesh i.e. Rs.20,00,000/- was received by him. It has also been contended by learned counsel for the respondent No.2 that the liability of petitioner with regard to payment of money to the respondent No.2 is proved from the fact that he had issued cheques in favour of respondent No.2, but the above-mentioned cheques were not honoured by the banker of the petitioner. While claiming that the petitioner is primarily responsible for the above-mentioned cheating the learned counsel for the respondent No.2 has sought for dismissal of present petition.

6. The record has been perused carefully.

7. 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 05 months and 20 days;
- iii) that the petitioner was neither owner of the property in question nor any payment was directly made to him by the respondent No.2/complainant.
- iv) that with regard to dishonour of cheque the appropriate remedy available to the respondent No.2 is to file a complaint under Section 138 of Negotiable Instruments Act;
- v) that the investigation in this case is already complete and therefore, 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 the detention of petitioner in judicial lock-up is not likely to serve any useful 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.

8. 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”.

9. 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”.



10. 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”.

11. Therefore, 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.

12. 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.

13. 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 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

18.02.2026

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