

2026.PHHC.012259



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-68347-2025

Date of decision: 28th January, 2026

Gaurav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sourabh Sheoran, Advocate for the petitioner.
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

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. 181 dated 01.08.2024 registered under Sections 406, 420 and 506 of IPC at Police Station Industrial Area, District Bhiwani.

2. The aforementioned FIR was registered on the basis of a complaint jointly submitted by Amarjeet, Praveen Kumar, Sachin Sharma and Rinku, alleging therein that the petitioner, who was a co-villager of victims Amarjeet and Sachin Sharma had represented to them that he would arrange a work VISA for Kuwait for them in lieu of spending some money. On being induced by them, the victims had agreed to give money to the petitioner for the purpose of issuance of a work visa for Kuwait for them. The petitioner in connivance with the co-accused got executed an agreement between the victims and co-accused Davinder. Both of them received different amounts of

2026.PHHC.012259



money from the victims during the period from January, 2024 to March, 2024. The petitioner in connivance with the co-accused then sent the victims Parveen and Amarjeet to Dubai in April, 2024. However, as soon as they reached there, their passports were confiscated and they were kept confined in some unknown place and were not provided any job. It was with great difficulty that they could manage to come back India on 05.05.2024. When they demanded their money back, the petitioner and the co-accused refused to return the same and rather, started extending threats to the victims.

3. After registration of FIR, investigation proceedings were initiated. Accused Lucky Beniwal @ Akash was arrested on 10.01.2025 and was joined into investigation which stands concluded qua him and challan has been presented. The petitioner could not be arrested initially and a look out circular (LOC) was issued against him on 05.03.2023. He was arrested on 22.09.2025 after he was detained at Mumbai Airport. He was interrogated and suffered disclosure statement admitting his involvement in the crime. He got recovered an amount of Rs. 80,000/- out of the amount taken from the complainant. Challan qua him now stands presented and he along with the co-accused Lucky Beniwal @ Akash is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, an agreement was executed between the co-accused Davinder and the victims as on 22.03.2024, in pursuance of which, the victims and the petitioner had decided to go to Dubai for a short

2026.PHHC.012259



vacation. An amount of Rs. 40,000/- was transferred in his bank account by the victim Rinku for the purpose of incurring expenses for food, travelling etc. The FIR has been lodged four and half months thereafter. A false story has been concocted. The ingredients for commission of subject offences have not been attributed against the petitioner at all. He is in custody since long. Trial is likely to take time to conclude. His further incarceration would not serve any useful purpose. He has clean antecedents. It is, therefore, argued that he deserves to be released on bail.

5. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner who in connivance with the co-accused had extracted an amount of Rs. 12,50,000/- from the victims on the premise of giving work visa from Kuwait to them but not got issued any such visa. There are chances of petitioner's intimidating the witnesses, absconding or committing similar offences if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

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

7. The petitioner in connivance with the co-accused is alleged to have duped the complainant and other victims of an amount of Rs. 12,50,000/- on the premise of sending them to Kuwait on work visa and securing a job for them. He is in custody since 22.09.2025. The subject offences are triable by Magistrate. He is not required for further investigation as even challan has

2026.PHHC.012259



been presented. Trial will obviously take time to conclude. No fruitful purpose is going to be served by detaining the petitioner in custody anymore. There is no basis for the contention that he might commit similar offences or intimidate the witnesses if extended benefit of bail. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the nature of subject offence and the period of his incarceration, I am of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds of two sureties to the satisfaction of the learned trial Court and further subject to giving details of his present/permanent address, cell phone number and Aadhar Card, at the time of furnishing bonds before the learned trial Court. That apart, the petitioner shall also ensure his presence before the SHO concerned, on the first Monday of every alternate month till the conclusion of the trial.

8. On his failure to abide by any of these conditions, the learned trial Court will be at liberty to cancel his bail.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th January, 2026

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No