



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

222/4

**CRM-M No.68742 of 2025
Date of decision : 14.1.2026
Date of uploading : 15.1.2026**

Sudhir Bhardwaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Santosh Bhardwaj, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior DAG, Haryana

Mr. Nikhil Anand, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.174 dated 4.7.2023 under Sections 201, 406, 408, 420, 506 and 120-B of the IPC (Section 66-d of Information Technology Act, 2000 deleted later on for the petitioner), registered at Police Station Sector 17, Faridabad.

2. The gravamen of the FIR in question is that Manish Bindal, Proprietor of Trans Cargo India preferred a complaint to The Commissioner of Police, Sector 31, Faridabad on 08.05.2023 against his ex-employees, namely, Mohd. Javed, Narender Kumar @ Narender Poonia, Rakesh Sharma, Sudhir Bhardwaj and Coco Holland Tractor,



R.K. Service Station, Ishwar Filling Station, Highway Petro Diesel IOCL etc. The complainant company had appointed four qualified professionals to conduct an internal audit in November 2020. Aforesaid auditors reported misappropriation of 1.62 crore by the accused persons in the company within a time period of one year. Accused Mohd. Javed being an employee of the complainant company had dealings with the IOCL affiliated pumps like Coco Holland Tractor, R.K. Service Station, Ishwar Filling Station. Accused Mohd. Javed, Narender Kumar @ Narender Poonia and Rakesh Sharma withdrew money from the account of the complainant company under different pretexts and transferred it to different account numbers. The internal audit team finally reported that the accused persons committed misappropriation of 2.32 Crore.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.7.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the dispute actually pertain to maintenance of accounts and the Management found some discrepancy therein on account of which the petitioner has been falsely implicated. Learned counsel has further submitted that, in any case, the investigation qua the FIR in question is complete and trial is under-way. Learned counsel has further submitted that the case is magisterial one. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by



arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.1.2026 in Court, which is taken on record.

4.1 Learned counsel for the complainant while opposing the bail petition has argued that there are direct and serious allegations against the petitioner as he was actively involved in manipulating the accounts so as to defraud the complainant-company. Learned counsel has further iterated that the requisite recovery of the amount defrauded by the petitioner has not yet been recovered and thus, he ought not to be granted the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. Before delving into the rival contentions, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in [Article 19](#). Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be



close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on, the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. *A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."*

6.1. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

*"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."*

6.2. Furthermore, the Hon'ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

21. *In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.*

22. *From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the*



trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

6.3 The petitioner was arrested on 11.7.2025 wherein after investigation was carried out and challan stands presented on 5.8.2025. Total 28 prosecution witnesses have been cited. It is conceded case of the parties that none has been examined till date. It is thus indubitable that culmination of trial will take its own time. It is not in dispute that the trial in question is magisterial one. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 13.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 3 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned



CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.1.2026
Ashwanii

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