



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

285

CRM-M-69911-2025

Date of decision: 17.02.2026

Gaurav Chhabra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Priyanshu Kamra, Advocate
for the petitioner. (through VC)

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.42 dated 23.02.2019 registered against him, u/s 420, 406, 120-B IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, has prayed for grant of bail.

2. Relevant facts as emerging from the FIR be noticed hereinbelow:-

Rajiv Singla, son of Shri Pritam Singla, is the resident of House No. 322, Sector 4-C. Shastri Nagar, Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib, hereby submits as follows: 1. That I am a resident of the said address and am engaged in the business of iron. 2. That Shahbaz Singh Virk, son of Sukhjit Singh, currently residing abroad in Canada, has given me power of attorney to prosecute the case of fraud committed by Nature Heights Infra Limited and its associated conspirators. 3. That Neeraj Thathai, Sandhya Wadhwa, Dolly Thathai came to Kharar, District Mohali in March 2012 and told Shahbaz Singh Virk about the project of their company Nature Heights Infra Limited and started building trust by influencing in their words. In the first week of April 2012, Sandhya Wadhwa, Neeraj Thathai, Pankaj Puri and Asha Rani



came to Kharar again and showed Shahbaz Singh Virk their site at village Jhungian Kharar and they assured Shahbaz that this project would be completed within 24 months. 4. That the said person kept contacting Shahbaz to purchase flat and built trust by telling him big stories about his project and Shahbaz told Sandhya to tell this entire plan to my uncle Rajiv Singla ji so that I could make up my mind and asked him to come to my office at Mandi Gobindgarh. On 11th April 2012, Sandhya, Neeraj and Dolly Thathai came to my office and told that Sandhya Wadhwa, Amit Kakkar, Neeraj Thathai, Doli Thathai, Gaurav Chhabra, Asha Rani, Pankaj Puri all work together on big projects and all of them have formed many other companies in which each company has one of them as the Director. Then he explained the plan to me and Shahbaz and showed me the map and told me his plan to build a 1530 square feet flat on the ground floor in Tower No. 23 in the village Jhungian Kharar site. He told me the price of this flat was Rs.40,50,000 and told me that out of this entire amount of Rs.40,50,000/-, half of the amount of Rs.20,25,000/- would have to be paid (Rs.12,15,000/- till the agreement is made and Rs.8,10,000/- till August 2013) and the remaining half of the amount of Rs.20,25,000/- would have to be paid by May 2014 at the time of delivery of the flat. The said persons developed complete trust in me to sell the flat to Shahbaz and give him possession. Shahbaz Singh Virk gave him an advance of one lakh thousand (Rs.1,20,000) in my office at the spot. 8. That after taking one lakh twenty thousand (1,20,000 rupees), Sandhya Wadhwa told Shahbaz that she would get a memorandum of understanding prepared for Rs.12,15,000/-and bring it back very soon and out of Rs.12,15,000/-, she would take the balance of Rs.10,95,000/-, 9. That on dated 16.04.2012, Sandhya Wadhwa called Shahbaz Singh Virk and told him that she had to go to Gobindgarh for some new project and also called Shahbaz Singh Virk to Mandi Gobindgarh. Shahbaz asked Sandhya Wadhwa to come to my office where she came to my office along with Neeraj Thathai,



Dolly Thathai, Amit Kakkar, Gaurav Chhabra, Asha Rani, Pankaj Puri and told him that now they have a big meeting regarding their projects in Delhi all the Directors are going there together. After reaching my office, Pankaj Puri and Gaurav Chhabra demanded Rs. 10,95,000/- and on their demand, Shahbaz gave Rs.10,95,000 and Gaurav Chhabra filled the details on the receipt and gave Shahbaz a receipt of Rs.10,95,000/-. Everyone congratulated Shahbaz Singh Virk on the new flat and Pankaj Puri and Sandhya Wadhwa said that now in 2 years, you will get the ownership of your flat. Saying this, everyone left my office. 10. That Amit Kakkar, Asha Rani and Sandhya Wadhwa went to Kharar on 10.05.2012 and gave the agreement dated 09.05.2012 to Shahbaz Singh Virk, which he had already brought with the medicine prepared and they told Shahbaz Singh Virk that now deposit an installment of Rs.8,10,000/- by August 2013 and the remaining amount will be paid on interest after 24 months. 11. That Gaurav Chhabra demanded Rs.8,10,000/- from Shahbaz Singh Virk on phone on 30.07.2013 and Shahbaz told that he is going to Faridkot for 2 days. On which, Gaurav said that he or one of his associates would take the draft from Faridkot itself and on 31.07.2013, Shahbaz informed about the draft of Rs.8,10,000/- issued by Axis Bank of Faridkot. On 01.08.2013, Sandhya Wadhawa, Asha Rani and Pankaj reached Faridkot in the morning to take the draft and left with Shahbaz and the draft. 12. That even after so many years since 2012, no work of constructing a flat on their land has been started and the said persons in connivance with each other and have grabbed Rs. 20,25,000/- which was the intention of all of them to grab money and all of them had an idea/knowledge from the first day that they would not build any flat and would grab the money. 12. That I and Shahbaz talked and searched a lot about their said projects at Abohar, Kharar site and Mandi Gobindgarh, but none of the above mentioned were found anywhere and according to the information received, many cases have already been registered



against Neeraj Thathai and others in Punjab and all of them have formed many companies with different names with the intention of cheating people on a large scale and some of the above mentioned people have become Directors in some and some in others. All of them have together cheated many people on a very large scale and have defrauded many people. I request that strictest legal action should be taken with immediate effect for breach of trust and fraud and for betraying trust. Your Faithfully: Sd/- Rajiv Singla. Rajiv Singla son of Shri Pritam Singla Power of Attorney of Shahbaz Singh Virk, House No. 322 Sector 4-C, Shastri Nagar, Mandi Gobindgarh (Punjab). Mobile No.: 98140-76643. That Senior Superintendent of Police, District Fatehgarh Sahib marked the application to DSP Amloh. Deputy Superintendent of Police, Circle Amloh, after investigating the application, wrote in his investigation report No. 1536/5 DSP/ Amloh dated 02.02.2019 that on the basis of my investigation and intelligence so far has been thoroughly checked, the testimony and records have been found that Shahbaz Singh Virk son of Sukhjit Singh is currently living in a foreign country, who has given Power of Attorney to the aforementioned Rajiv Singla to handle the case of Nature Heights Infra Limited. That in March 2012, Neeraj Thathai, Sandhya Wadhwa, Dolly Thathai came to Kharar, District Mohali and told Shahbaz Singh Virk about the project of his company Nature Heights Infra Ltd, and took Shahbaz Singh Virk into their confidence. In the first week of April 2012, Sandhya Wadhwa, Neeraj Thathai, Pankaj Puri and Asha Rani again came to Kharar and they showed Shahbaz Singh Virk their site at village Jhungiyan, Kharar and Neeraj Thathai etc. assured Shahbaz Singh that this project would be completed within 24 months. Neeraj Thathai etc. kept contacting Shahbaz Singh Virk continuously to get the flat. Shahbaz Singh Virk told Sandhya Wadhwa to tell this whole plan to my uncle Rajiv Singla once and he was asked to come to Rajeev Singla's office in Mandi Gobindgarh. On 11.04.2012, Sandhya Wadhwa,



Neeraj Thathai and Dolly Thathai came to Rajiv Singla's office and told that Sandhya Wadhwa, Amit Kakkar, Neeraj Thathai, Dolly Thathai, Gaurav Chhabra, Asha Rani and Pankaj Puri all work together on different projects and all of them have formed many other companies together in which they are the Directors in each company. Neeraj Thathai and others explained the entire plan to Rajiv Singla and Shahbaz Singh Virk and showed the map and told about the construction of a 1530 square feet flat on the ground floor in Tower No. 23 in the side of village Jhungian Kharar.

That Neeraj Thathai told the price of the said flat as Rs.40 lakh 50 thousand and told that out of this entire amount, the first half amount of Rs.20 lakh 25 thousand (Rs.12,15,000/- till the agreement is made and Rs.8,10,000/- till August 2013) and the remaining half of the amount of Rs.20,25,000/- would have to be paid by May 2014 at the time of delivery of the flat. The said persons developed complete trust in me to sell the flat to Shahbaz and give him possession. Shahbaz Singh Virk gave him an advance of one lakh thousand (Rs.1,20,000) in my office at the spot. That after taking one lakh twenty thousand (1,20,000 rupees), Sandhya Wadhwa told Shahbaz that she would get a memorandum of understanding prepared for Rs. 12,15,000/- and bring it back very soon and out of Rs.12,15,000/-, she would take the balance of Rs. 10,95,000/-. That on dated 16.04.2012, Sandhya Wadhwa called Shahbaz Singh Virk and told him that she had to go to Gobindgarh for some new project and also called Shahbaz Singh Virk to Mandi Gobindgarh. Shahbaz asked Sandhya Wadhwa to come to my office where she came to my office along with Neeraj Thathai, Dolly Thathai, Amit Kakkar, Gaurav Chhabra, Asha Rani, Pankaj Puri and told him that now they have a big meeting regarding their projects in Delhi all the Directors are going there together. After reaching my office, Pankaj Puri and Gaurav Chhabra demanded Rs. 10,95,000/- and on their demand, Shahbaz gave Rs.10,95,000 and Gaurav Chhabra filled the



details on the receipt and gave Shahbaz a receipt of Rs.10,95,000/-. Everyone congratulated Shahbaz Singh Virk on the new flat and Pankaj Puri and Sandhya Wadhwa said that now in 2 years, you will get the ownership of your flat. Saying this, everyone left my office. That Amit Kakkar, Asha Rani and Sandhya Wadhwa went to Kharar on 10.05.2012 and gave the agreement dated 09.05.2012 to Shahbaz Singh Virk, which he had already brought with the medicine prepared and they told Shahbaz Singh Virk that now deposit an installment of Rs.8,10,000/- by August 2013 and the remaining amount will be paid on interest after 24 months. That Gaurav Chhabra demanded Rs.8,10,000/-from Shahbaz Singh Virk on phone on 30.07.2013 and Shahbaz told that he is going to Faridkot for 2 days. On which, Gaurav said that he or one of his associates would take the draft from Faridkot itself and on 31.07.2013, Shahbaz informed about the draft of Rs.8,10,000/- issued by Axis Bank of Faridkot. On 01.08.2013, Sandhya Wadhwa, Asha Rani and Pankaj reached Faridkot in the morning to take the draft and left with Shahbaz and the draft. That even after so many years since 2012, no work of constructing a flat on their land has been started and the said persons in connivance with each other and neither has Neeraj Babai etc, returned the amount of Rs. 20 lakh 25 thousand of Shahbaz Singh Virk. That Neeraj Thathai, Dolly Thathai have not been involved in the investigation nor are they cooperating in the investigation of the application. In this regard, a case has been registered and an investigation is being conducted. Apart from this, if any fact came against Amit Kakkar, Gaurav Chhabra, Pankaj Puri, Anupama Duhia and Rajesh Duhia during the investigation into light, then action should be taken. Therefore, if it is acceptable, it is recommended that the Station House Officer of Police Station Gobindgarh should register a case against Neeraj Thathai, Sandhya Wadhwa, Dolly Thathai, Asha Rani under sections 406, 420, 120-B of the Indian Penal Code and issue directions to take further action.



On the basis of the said complaint a formal case vide FIR No. 42 dated 23.02.2019 u/s 420, 406, 120-B IPC was registered against petitioner and others.

During the course of investigations, statements of witnesses were recorded, relevant documents were collected. On culmination thereof, challan was filed in the Court.

3. Petitioner/accused, who was arrested on 30.10.2023, moved an application for grant of bail before the learned Additional Sessions Judge, Fatehgarh Sahib. The same was dismissed vide order dated 28.05.2024. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner was never at the helm of the affairs of the company, of which, his real brother-in-law was the Managing Director. It was the Managing Director of the company, who used to take all administrative and financial decisions with regard to the affairs of the company. Petitioner had never received any financial benefits. Only general bald allegations have been levelled against him. Learned counsel further submits that despite specific allegations levelled by the complainants, none of them ever initiated civil proceedings. Moreover, so far as present petitioner is concerned, he was arrested in 30.10.2023 and has been in custody ever since then. Despite the fact that the challan was filed on 13.12.2023, charges were framed on 21.05.2025 and out of 18 cited prosecution witnesses none has been examined till date, thus, the possibility of completion of trial in the near future is quite remote.

Learned counsel has also drawn the attention of this Court to several orders passed by different Benches of this Court vide which, on similar allegations, petitioner was extended the concession of bail including CRM-M-19147-2018, decided on 06.08.2018 (Annexure P-2) pertaining to FIR No. 151 dated 22.10.2021, under Sections 420, 120-B of IPC,



registered at Police Station City Malout, District Sri Muktsar Sahib, CRM-3078-2023 decided on 19.04.2023 (Annexure P-3) pertaining to FIR No. 46 dated 28.03.2019, under Sections 420 and 120-B IPC, registered at Police Station Division No.2, District Ludhiana, CRM-M-64485-2023 decided on 05.02.2024 (Annexure P-5) pertaining to FIR No. 217 dated 28.12.20218, under Sections 420, 120-B of IPC, registered at Police Station City-I, Abohar, CRM-M-30056-2023 decided on 27.10.2025, pertaining to FIR No. 95 dated 20.5.2017, under Sections 420, 120-B of IPC, registered at Police Station City Faridkot, District Faridkot (Annexure P-6), CRM-M-37635-2025 decided on 30.10.2025 (Annexure P-7) pertaining to FIR No.218 dated 28.12.2018, under Sections 420, 120-B IPC, registered at Police Station City-1, Abohar.

It has, thus, been prayed in view of submissions advanced hereinabove, petitioner be released on bail, as his further incarceration would not serve any useful purpose. Further, as per learned counsel, petitioner undertakes to abide by stringent conditions, so imposed by this Court while allowing this petition.

5. Status report by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub Division, Amloh, District Fatehgarh Sahib has been filed. In para 16 thereof, the role of the petitioner has been highlighted. Learned State counsel submits that in view of questionable past antecedents of petitioner, who is involved in as many as 13 cases of like nature, if extended the concession of bail, there is every likelihood of him fleeing from the process of justice by not appearing in the Court, over-awing complainants and other related witnesses and indulging in the similar offence yet again. Prayer for dismissal of the petition has been made.

6. Both the counsel have been heard and documents on record have been perused.

7. Factual aspects of the case leading to the registration of the FIR



have been noticed in para 2 of the order. The fact that the petitioner has been in custody since the year 2023, has not been disputed by learned State counsel. Further, the fact that in some other cases, referred to above in the status report, petitioner has been acquitted, some of FIRs have been cancelled. Insofar as present case is concerned, out of 18 prosecution witnesses none has been examined till date, thus, likelihood of completion of trial in near future is remote. Nothing has been brought on record from where an inference can be drawn that petitioner has misused the concession of bail granted to him by Coordinate Benches of this Court. When viewed as a whole, this Court is of the opinion that further incarceration of petitioner would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would 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***. It deserves to be mentioned here that in some of the cases referred to in the Status Report, petitioner stands acquitted, whereas some proceedings have been cancelled.

8. In case of ***Rup Bahadur Magar @ Sanki @ Rabin Vs. State of West Bengal, Criminal Appeal No.4144 of 2024*** decided on 04.10.2024, in a case under Sections 394, 395, 397, 307 read with 120-B of IPC, Hon'ble Supreme Court granted bail to the accused considering long incarceration undergone by him of 2 years and 9 months.

In case of ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr., (2024) 9 SCC 813***, the Supreme Court while granting bail to accused for 04 years in paragraph Nos. 16 and 17 held as under:-

"16. Criminals are not born but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is



committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect, may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

17 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

Recently, a Co-ordinate Bench of this Court in ***Neelkamal Singh Alias Billa Vs. State of Punjab*** passed in CRM-M-39765-2024 has held that although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

*"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 is the mandate of the Apex court in **"Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna", (1980) 1 SCC 98.** Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned.*



reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as "Baljinder Singh alias Rock vs. State of Punjab" decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail."

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail bonds/surety bonds along with 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.

9. 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

17.02.2026

Hemant

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