



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.73558 of 2025 (O&M)

Date of Decision: 09.03.2026

Gurcharan Singh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Imaan Singh Khara, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Rohit Kumar, Advocate for the complainant.

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.462 dated 19.11.2024, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, Police Station Tehsil Camp, District Panipat.

2. The abovesaid FIR came into being at the instance of 'Hardeep Singh', hereinafter being referred to as 'complainant' only,. It was stated by the complainant that through 'Vijay', a property dealer, he came in contact of 'Gurcharan Singh' (petitioner herein) and 'Vikramjit Singh', who represented themselves to be the owner of a plot ad-measuring 33.5 square yards, situated at village Azizullapur Tehsil and District Panipat. According to complainant with regard to sale of above mentioned property an agreement to sell was



executed between the parties for a sum of Rs.31,00,000/- out of which a sum of Rs.6,00,000/- was paid as earnest money on 04.03.2023. According to complainant the remaining amount was paid by him on 07.07.2023, and the last date fixed for execution of sale-deed was 15.07.2023. It is the allegation of the complainant that despite repeated request made by him the above named two accused did not execute the sale deed, and later on he came to know that he had been cheated by the above named two accused, as they had received money with regard to sale of a property which had already been acquired by the Haryana Urban Development Authority. It was further claim of the complainant that despite having knowledge of acquisition the above mentioned property was sold by the accused, and that even in the name of obtaining 'No Objection Certificate' from the Haryana Urban Development Authority, additional sum of Rs.3,50,000/- was received by the accused.

3. It is the case of the prosecution that on basis 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. The learned State Counsel has filed reply in the form of affidavit sworn by Deputy Superintendent of Police, CAW, Panipat. The same be taken on record.

5. Heard.

6. The record has been perused carefully.

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



- i) that the petitioner is already in custody for a period of more than five months;
- ii) that the offence is triable by the Court of Judicial Magistrate;
- iii) that the maximum punishment prescribed for the commission of offence is imprisonment up to 7 years;
- iv) that the copy of agreement to sell shows that at the time of execution of agreement to sell, on 04.03.2023, the petitioner was not present;
- v) that the signature of petitioner does not find mentioned on the agreement to sell dated 04.03.2023, either as a seller or as a witness;
- vi) that the dispute between the parties seems to be a dispute of civil nature, i.e. a dispute for specific performance of agreement to sell, or in the alternative for recovery of money;
- vii) that the custody certificate shows that petitioner has no criminal antecedents;
- viii) that the investigation in this case is complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- ix) that the trial of the case is not likely to be concluded in near future;
- x) that the detention of the petitioner in judicial lock up is not



likely to serve any purpose;

xi) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses;

xii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate 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 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”.

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. 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.

12. 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.

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 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

09.03.2026
Manoj Bhutani

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