

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

2026:PHHC:030488



212

**CRM-M-228-2026 (O&M)
Date of decision: 25.02.2026
Date of uploading: 25.02.2026**

Sonu Tiwari

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Himmat Singh Sidhu, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.247 dated 09.09.2025 registered for offences punishable under Sections 406/420/465/467/468/471 of IPC, at Police Station Sahnewal, District Ludhiana.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“At present, it is entered that an application Serial No.1144-Zone-2 dated 19.11.2024 from Sham Sunder son of Sh. Ujjagar

Ram, resident of H.No.2, Village and Post office Luhara, District Ludhiana has been received at the Police station for the registration of a case against Pawan Kumar son of Sh. Bhagat Ram, resident of H.No.232, Ward No.05, Doraha, Ludhiana and Sonu Tiwari son of Sh.Bindachal Tiwari, resident of H.No.458/4, Street No.01, New Smart Colony. Sahnewal, Ludhiana, the contents of which are as under:- To, The Commissioner of Police, Ludhiana. Subject: Application against (1) Pawan Kumar son of Sh.Bhagat Ram son of Sh.Sant Ram, resident of H.No.232, Ward No.05, Doraha, Ludhiana, (2) Sonu Tiwari son of Sh. Bindachal Tiwari, son of Sh.Ram Krishan Tiwari, resident of H.No.458/4, Street No.01, New Smart Colony, Tehsil and District Ludhiana (Mobile No.98152-05006) for the cheating of committing Rs.33,40,000/- with the applicant. Sir, I, Sham Sunder son of Sh. Ujjagar Ram, am the resident of H.No.2, Village and Post office Luhara, District Ludhiana and I am a businessman. I request as under: (1) That the accused No.2 had entered into an agreement with me on 12.06.2023 for one property measuring 400 sq. yards, the boundaries of which are towards North: 25 feet wide street measuring 60 feet, South: Neighbourer, 60 feet, East: Seller, 60 feet, West: Neighbourer, 60 feet 664/689, page 876/877, jamabandi for the year 2011-12, situated in village Dhandari Kalan, Hadbast No.241, segment Dhandari, Tehsil & District Ludhiana, for a sum of Rs.31,50,000/- and the accused persons had got the registry made on 08.08.2023 in the name of my wife Smt. Suman Bala. (2) That after the registry, when we went to the said property and put the marking there and put the pillars. But next day, when we reached at the property, we saw that the pillar put by us were demolished. Thereafter, I gave the information to the police. The police did the verification and came to know that the registry of the property has already been made in the name of one Balwinder Singh, whose number is 9815881776. Thereafter we contacted the accused persons. Then the above accused persons started dilly-dallying and did not give any positive response and we came to know that cheating has been done with us. Both the above accused persons in connivance with each other have committed the cheating with us, by virtue of which, we suffered huge loss mentally and financially. The above accused

persons have threatened us that we had to commit the cheating with you, which we did. It is our daily routine. We have contacts in the police and you cannot harm us. Thus, you are requested that legal action be taken against the above accused persons for committing the cheating with me and justice be done to me. Sd/ Applicant, Sham Sunder son of Sh.Ujjagar.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 06.11.2025. Learned counsel for the petitioner further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further argued that the genesis of the FIR in question is actually a civil dispute, facts whereof have been twisted to lend criminal colour thereto. Learned counsel has iterated that *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the petitioner is only a witness to the sale deed in question. Learned counsel appearing for the petitioner has further submitted that the challan already stands presented and no useful purpose would be served by keeping the petitioner in further custody. Learned counsel appearing for the petitioner has further argued that the petitioner is a man aged 39 years with clean antecedents and is a sole bread-earner of his family. Thus, regular bail is prayed for.

4. Learned State counsel has vehemently opposed the present petition by arguing that the allegations raised are serious in nature and, hence, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 24.02.2026 in Court, which is taken on record.

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

6. At this juncture, 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.”

7. The petitioner was arrested on 06.11.2025 whereinafter investigation was carried out and challan was presented on 30.01.2026. Total 14 prosecution have been cited out of which none has been examined till date. It is not in dispute that conclusion of trial will take long. The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 24.02.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 3 months & 14 days and is not shown to be involved in any other case/FIR.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

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

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 25, 2026
Naveen

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