

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

CRM-M-35591-2025
Reserved on: 01.09.2025
Pronounced on: 22.09.2025

Ranadeep Ghosal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shailender Kashyap, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|--|---|
| 300 | 25.05.2019 | DLF, Sector – 29, District Gurugram, Haryana | 406/420 IPC (Section 506 and 120-B IPC added later on) |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 13 of the bail application and the reply/custody certificate, the accused has the massive criminal antecedents
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the facts of the case are that on 25.05.2019, a complaint was submitted by Amarnath Khudania alleging therein that he had got the admission of his daughter Kritika in Forensic Sciences course in Jain University, Bangalore. However, his daughter wanted to go abroad for higher education. One of her friends namely Saurabh Bhardwaj told them about a consultancy by the name of Uni Assist in Gurugram who send people to Germany for higher education and the education there is free. They visited their office and met Ashima Malhotra and Madhumita. On asking that who is the owner of Uni Assist, they told that one Ranadeep is their Sir and he is the main person. They demanded the amount of Rs. 1,50,000/- and issued two receipts, one of Rs. 80,000/- and another of Rs. 70,000/-, When the complainant told them that the A-1 course of his daughter has been completed and when he pressed for sending her to Germany, they asked to deposit another Rs. 60,000/-

in Kotak Mahindra Bank and told him that his daughter will have to do A-2 course in Germany. They also asked to open a block account in Kotak Mahindra Bank. They also demanded the Visa Fee. They had assured in the beginning that the complainant will have to pay Rs. 3,85,000/- and they will get the loan sanctioned for her stay in Germany. However, no such loan was sanctioned by the bank. They also demanded Rs. 30,000/- for stay in Germany and did not provide any receipt for the same. When the complainant confronted Randeep, he told that they will arrange a part time job for his daughter Kritika and they will arrange the funds for block account. The accused showed them the offer letter of Padal Brown University, however, they told that they will hand over the said offer letter only if they pay more money. When the complainant's daughter enquired at her own level from the said university, it came forth that there is no such course for Forensic Sciences in the said university. The complainant confronted Randeep and asked for his money. They told that they will return his money, but have not returned his money till date. They threatened him that they have links with the police and will implicate them. The complainant again conducted meeting with them and the accused told that they will send his daughter to Germany. The asked him to deposit Rs. 55,000/- registration fees and Rs. 27,000/- GST. They provided the receipt of Rs. 55,000/- but did not provide the receipt for Rs. 27,000/-. They also got signed an agreement. The complainant further paid Rs. 6,000/- for A-1 course and Rs. 30,000/- for exam fee and German language class. However, they did not fulfil any of their commitments and when the complainant asked to return his money, the above mentioned person Randeep threatened him. The complainant further stated that the said accused persons have, in a similar manner, committed fraud with various other students. Prayer was made to take legal action. Thereupon, the above mentioned FIR was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“11. That the role of the petitioner Ranadeep Ghosal in the present case is that on his instructions, the companies Uniglobal Edutech Pvt. Ltd. and Uniassist Edutech Pvt. Ltd. were started by the other accused persons. The petitioner used to control the affairs of the

company. The petitioner is the authorized signatory in Kotak Mahindra Bank account no. 0012956708 of Uni Assist Edutech Pvt. Ltd. The report obtained from bank in this regard is attached herewith as Annexure R-2. The petitioner used to transfer money from the accounts of the above mentioned accused companies, in the account of his own company Cambridge Montessori Pvt. Ltd. From 16.08.2018 to 19.01.2021, the amount of Rs. 5,92,701/- was withdrawn and the amount of Rs. 1,40,441/- was transferred by the petitioner in his own account no. 191701506812. Thus, a total of Rs. 7,33,142/- have been debited by the petitioner from the account no. 0012956708. The above mentioned account no. 0012956708 (having balance of Rs. 7,45,686/-) has been got frozen on 21.02.2022.”

8. A perusal of the custody certificate points towards the massive criminal antecedents of the petitioner. Even the reply filed by the State points out that the petitioner is involved in a similar type of act of cheating. However, as per the custody certificate filed in the present FIR, the petitioner is stated to be in custody for six months and 17 days. Keeping in view the period of custody and the amount of money in cheating involved, this Court is of the considered opinion that further pretrial custody is not warranted at this stage.

9. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

10. Per paragraph 09 of the bail petition, the petitioner has been in custody since 14.02.2025. Per the custody certificate dated 30.08.2025, the petitioner's total custody in this FIR is 06 months and 17 days.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

²Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

12. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

13. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

14. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

16. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

| | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |

17. This order is subject to the petitioner's complying with the following terms.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

18. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

19. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

21. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

22. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

23. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.