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

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**CRM-M No.20864 of 2025
Date of Decision: 01.05.2025**

Arvind Kundu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
898	21.11.2023	Civil Lines Sirsa, District Sirsa	199, 200 and 420 of IPC (193, 196, 467, 468 and 471 of IPC added later on)

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the allegations that the petitioner

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was facing trial in case arising out of FIR No.114 dated 08.09.2017 registered at Police Station N.S. Choptha. He had been granted benefit of bail in that case in pursuance of order dated 07.02.2019 passed by Court in CRM-M-49709 of 2018. On 29.09.2023, an application was moved by the petitioner in the aforementioned case seeking exemption from appearance since he was not feeling well. A prescription slip had been issued by the doctor of Civil Hospital, Panchkula which was annexed with the said application. Feeling suspicious, the trial Court passed an order on 29.09.2023, for verifying the genuineness of the said OPD slip and the case was adjourned to 30.09.2023. On 30.09.2023, another application seeking exemption had been moved on behalf of the present petitioner, which was allowed. The matter was adjourned to 19.10.2023 for awaiting report of the doctor regarding the genuineness of the OPD slip. As per the report submitted on 19.10.2023, the prescription slip had not been issued by any doctor of Civil Hospital, Panchkula. Noticing this, the bail of the petitioner was cancelled and direction was given by the trial Court to its Reader to lodge a complaint against the petitioner before the concerned Police Station and on the basis of these orders, FIR No.898 dated 21.11.2023 was registered. The petitioner was arrested on 28.12.2024 for making false declaration in the Court and for committing offence of cheating. The investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he is in custody w.e.f. 28.12.2024. He has been wrongly implicated in this case. The

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subject offences are triable by Magistrate. The offences under Sections 199 and 200 of IPC are bailable in nature. The provisions of Section 195 of Code of Criminal Procedure had not been complied with at the time of registration of FIR. The trial would take considerable time. No purpose would be served by keeping him in custody any more. He is ready to abide by the terms and conditions for grant of bail. Accordingly, it is urged that he deserves to be released on bail.

4. Per contra, learned Assistant Advocate General, Haryana has argued that the petitioner had made a false declaration before the Court and has committed serious offences. There are chances of his committing similar offences or absconding if extended benefit of bail. He has criminal antecedents. Hence, it is argued that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner had moved an exemption application before the learned trial Court in case arising out of FIR No.114 dated 08.09.2017 registered at Police Station N.S. Chopta. As per the allegations, he had annexed a false OPD slip/card for the purpose of seeking exemption and had made attempt to cheat the trial Court. The subject offences are triable by Magistrate. He is in custody since 28.12.2024. The trial would take time to conclude. No purpose would be served by detaining the petitioner in custody any more. Keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, the

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petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

(MANISHA BATRA)
JUDGE

01.05.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No