



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

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**CRM-M-54544-2025
Date of decision: 01.10.2025**

VIJAY KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sahilpreet Singh, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.72 dated 01.05.2024, under Sections 406 and 420 of IPC, registered at Police Station Sadar, District Hoshiarpur.
2. The present case was registered on the basis of complaint given to the police by members of Shromini Sri Guru Ravidas Sabha, District Hoshiarpur with the allegations that they were finding land in Hoshiarpur City for constructing office and langar hall for their society. One Vijay Kumar had opened fake Waqf Board office in the shops of market of DAV College and the office bearers of the Sabha met him in his office in August, 2022. They told him that they need two and a half to three kanals of land in the city or in the nearby village, for which he agreed to provide space in village Shergarh on Chandigarh bypass but he told them that it will cost around three to three and a half lakh rupees, out of which some amount will have to be paid in cash and remaining amount shall be paid



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through cheque. In all, they paid Rs.3,04,500/- to get the land at the said Chandigarh bypass in village, Shergarh. He claimed that he was the person in-charge of the land and he was the one who has been authorized to give land to us by Waqf Board. When he failed to allot the land to them, they went to the office of Waqf Board at Canal Colony, Hoshiarpur from where it was revealed that he was not an employee of the Waqf Board and they alleged that they have been cheated of a sum of Rs.3,04,500/-. With these allegations, formal FIR was registered and matter was investigated. Petitioner was arrested on 09.05.2024. After completion of investigation, challan has been presented for trial.

4. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

5. Learned counsel for the petitioner argued that petitioner has been falsely implicated and he has not committed any offence as alleged. Learned counsel further argued that all the offences are Magisterial trial. Petitioner is in custody since 09.05.2024 and after completion of usual investigation, challan has been presented. Out of 10 prosecution witnesses, only 04 witnesses have been examined till date and therefore, the trial is likely to take sufficiently long time to conclude. As such, no useful purpose will thus be served by detaining the petitioner in custody and he may be released on bail.

6. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioner does not deserve the concession of bail.

7. No doubt, the allegations against the petitioner are serious in nature and he has allegedly cheated the complainant of a sum of Rs.3,04,500/-.



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However, petitioner is in custody since 09.05.2024. Challan has already been presented and trial has commenced. All the offences are Magisterial trial and trial is likely to take sufficiently long time to conclude. It is well settled that bail is the rule and jail is an exception and bail should not be denied as a punitive measure or as a form of punishment before conviction and no useful purpose will, thus, be served by detaining the petitioner in custody anymore.

8. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

01.10.2025
amandeep

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No