



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

229

**CRM-M No.23602 of 2025
Date of decision : 8.7.2025**

Amit Sanotra**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

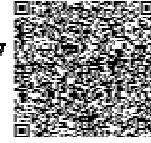
Present: Mr. Sandeep Kumar Bokolia, Advocate, for the petitioner
Mr. Durgesh Garg, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.2 dated 16.1.2024 under Sections 420, 408 and 411 of the IPC, registered at Police Station 'D' Division, Police Commissionerate Amritsar.

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

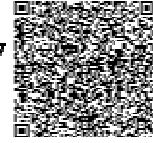
'In reference to application No.286980 PGD dated 08.01.2023, to the Hon'ble Police Commissioner Amritsar, Subject: With regard to fraud and embezzlement made by Amit Sanotra S/o Yashpal, R/o H.No.698/13, Sharifpura, Rani Bazar, Amritsar to the tune of lakhs of rupees with us and for registration of case pertaining to the offence of conspiracy. Sir, it is requested that I Prem Kumar S/o Sh. Thakur Dass, R/o 52 Sehaj Enclave, Majitha Road, Amritsar and I am Managing Director of the Firm M/s Prem Kumar & Sons Jewellers Private Limited situated at Estate No.7/6-1, Bazar Battii Hatta, Chowk Chaurasti Atari, Amritsar. The



aforesaid Amit Sanotra S/o Yashpal is the Sr. Accountant of my aforesaid Firm and we were reposing full confidence/faith in him and Amit Sanotra being our accountant was having complete knowledge of our business. The aforesaid Amit Sanotra with an intention to cause loss to our business and in order to get personal gain and with an intention cause loss to us and has embezzled lakhs of rupees from the account of my firm on a large scale by cheating and forgery. He by withdrawing the amount from our account which was to be deposited regarding which taxes were to be paid to be Government and inspite of paying taxes, he fraudulently deposited the money in his account and has committed forgery and cheating with us and the Government at a large scale. Kindly register a case under the relevant sections and justice be done to us. Sd/ in English of applicant Prem Kumar S/o Sh. Thakur Dass, R/o 52, Sehaj Enclave Majitha Road, Amritsar and Managing Director of Firm M/s Prem Kumar & Sons Jewellers Private Limited, Estate No.7/6-1, Chaurasti Bazar Battii Hatta, Chowk Atari, No.9815385100.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 2.4.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question as he was working as Senior Accountant with the complainant and there was an accountancy related dispute on account of which the FIR in question has been foisted upon the petitioner. Learned counsel has further submitted that the petitioner is languishing in custody since 2.4.2024 with the conclusion of the trial nowhere in foresight. Thus, regular bail is prayed for.

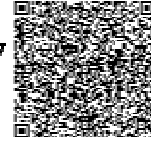
4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 7.7.2025 in Court, which is taken on record.



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

6. The petitioner was arrested on 2.4.2024 whereinafter investigation was carried out and challan was presented on 25.7.2024. Total 19 prosecution witnesses have been cited but none has been examined till date. It is indubitable that completion of trial will take its own time. The rival contention raised by learned counsel for the parties give rise to debatable issues which shall essentially be ratiocinated upon 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 7.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, three months and five days.

As per the said custody certificate, the petitioner is stated to be involved in another FIR No.68 dated 3.4.2024, under Sections 408, 420, 381 of IPC (Sections 201, 411 of IPC were added later on), registered at Police Station Navi Baradari, Jalandhar. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the

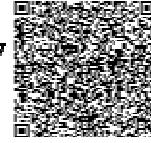


facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. 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.

9. Ordered accordingly.

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

(SUMEET GOEL)
JUDGE

8.7.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No