



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

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**CRM-M-14341-2025 (O&M)
Date of decision: 24.03.2025**

Ankit

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

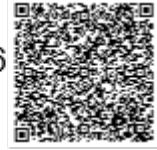
Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Garima Modi, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.326 dated 05.10.2023 registered under Sections 406, 420 IPC (Sections 467 and 468 IPC added later on) at Police Station City Rewari, District Rewari.

2. The brief facts of the case are that on 05.10.2023, the police received a complaint from a man who alleged that he was cheated by a group of people promising him a job in Haryana in exchange for money. The main accused, Ankit, worked at the Deputy Commissioner's Office in Jhajjar and had known the complainant. He convinced the complainant to pay ₹1,80,000 for a Sub-Inspector job, but the job never materialized. Later on, the complainant also introduced another man, Parveen to Ankit, who claimed he could get him a job in the Income Tax Department in Kanpur for ₹10,00,000. Parveen made payments, but still



didn't get the job or a refund. The accused, including Ankit and several others, are part of a larger gang involved in job scams. Thereafter, the FIR (supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra) and the petitioner and the complainant were on visiting terms for the last several years and the petitioner had taken friendly loan from the complainant and a civil dispute between the parties has been converted into a criminal case. He further submits that there are no allegation of any inducement, forgery, preparation of any false document against the petitioner and the petitioner has approached this Court by filing a petition i.e. CRM-M No.46709 of 2024, seeking quashing of the FIR (supra), on the basis of compromise arrived at between the parties and this Court on 19.09.2024, directed both the parties to appear before the learned trial Court for recording their statements in terms of the compromise. The statement of the parties were recorded by the learned trial Court, however, on 05.02.2025, the petition filed by the petitioner was withdrawn being a partial compromise and liberty was granted to the petitioner to file afresh petition after impleading all the accused persons. Learned counsel for the petitioner further submits that the petitioner and the complainant have effected a compromise.

4. Ms. Garima Modi, Advocate, has put in appearance on behalf of the complainant and affirms the factum of compromise arrived at between the parties. She further submits that nothing is due towards



the petitioner and the complainant has no objection, if the petitioner is granted the concession of bail.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the allegation against the petitioner are serious in nature as the fake job letter were provided by the petitioner, which has a detrimental effect on the society. It is not only a misrepresentation on the part of the accused rather it affects the integrity of the selection process and further Sections 467 and 468 IPC are non-compoundable, however, he could not controvert the fact that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 month and 04 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and the conclusion of the trial is likely to take some time.

7. A two Judge Bench of Hon'ble Supreme Court in ***“Satender Kumar Antil vs. CBI”***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with



offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Ankit is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

24.03.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No