

2025:PHHC:097700



CRM-M-40108-2025 (O&amp;M)

216

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****CRM-M-40108-2025 (O&M)****Date of decision: August 01, 2025**

Nitin Kumar Mittal

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Manan Kheterpal, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

\*\*\*\*\*

**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 bearing FIR No.209 dated 28.07.2023, registered for the offences punishable under Sections 406 & 420 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Siwani, District Bhiwani.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to IPC as he has allegedly cheated the complainant for an amount of Rs.1,49,98,326/- on account of non-supply of requisite quantity of the product.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 07.06.2025. Learned counsel has further submitted that

2025:PHHC:097700



CRM-M-40108-2025 (O&M)

there were business dealings between the petitioner and the complainant, who, in fact, had a running account, and thereafter, on account of some business disputes, the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that no offence under Sections 406/420 of IPC is made out from the factual milieu of the case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 31.07.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 07.06.2025 and is in continuous custody since then; culmination of the investigation as also the trial emanating therefrom, if occasion so arises, will take time. The rival contentions raised at Bar give rise to debatable issues shall 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.

2025:PHHC:097700



CRM-M-40108-2025 (O&amp;M)

6.1. As per custody certificate dated 31.07.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 month and 25 days. Further, as per the said custody certificate the petitioner is stated to be involved in 01 case/FIR pertaining to IPC. 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.

2025:PHHC:097700



CRM-M-40108-2025 (O&amp;M)

- (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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(SUMEET GOEL)**  
**JUDGE**

**August 01, 2025**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No