

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025.PHHC:118380



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CRM-M-40802-2025

Date of decision: 02.09.2025

Mool Chand

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lupil Gupta, Advocate and
Mr. Sandeep, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.1161 dated 03.12.2014, registered for the offences punishable under Section 408 of IPC at Police Station City Sirsa, District Sirsa.

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

“To the Sir Chowki Incharge Khairpur Sirsa, I request that | Ashwani Bansal son of Shri Madan Mohan Bansal am R/O Street No. 2 Nandan Vatika Agrasen Colony Sirsa. I have a petrol pump in the name of Hari Ram & Sons at Govind Nagar

Hisar Road Sirsa. Mool Chand son of Madan Lal caste Sharma R/O Hari Vishnu Colony Sirsa was working as accountant at my petrol pump from the last about 3/4 years. On 27/11/2014 at around 1 o'clock, I gave Rs. 6 lakh 25 thousand eash to Mool Chand to deposit in Indian Bank, near Agrasen Park, Sirsa for RTGS and along with it a separate cheque whose no. 513989 I had also given the above amount of Rs 6 lakh 25 thousand and the above cheque to Mool Chand at my petrol pump in presence of the sales man Purshottam Das son of Tarsem Chand Goyal resident of Ram Colony Sirsa, but Mool Chand neither deposited the money in the bank nor gave the cheque to the bank. Mool Chand with an intention of embezzling my money has betrayed my trust by not depositing the money in the bank and not giving the cheque to the bank. Till date we have been searching for Mool Chand on our own level but could not get any clue of Mool Chand. Legal action should be taken against Mool Chand Sd. Ashwani Bansal Mobile no 94161-06472 Dated, 03/12/2014.”

3. Learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has argued that there was a dispute regarding accounting of the working of the petrol pump of the FIR-complainant which was not recorded to the satisfaction of the FIR-complainant and, hence, the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further argued that earlier the petitioner was not aware that an FIR has been registered against him. In any case, the petitioner was arrested on 01.05.2025 and is in continuous custody since then. 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 01.09.2025 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 came to be arrested on 01.05.2025 and is in continuous custody. Thereafter, investigation was carried out and challan was presented on 02.06.2025 wherein total 9 prosecution witness have been cited, but none has been examined till date. It is, thus, indubitable that conclusion of trial will take long. The FIR in question was registered in the year 2014 and thereafter the petitioner was declared a proclaimed offender and came to be arrested on 01.05.2025. Nevertheless, it cannot be lost sight of that the trial in question is magisterial in nature. The petitioner has already suffered incarceration for more than 3 months, as per custody certificate produced by State counsel today. 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.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that she has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after her being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of her bail which plea, but of course, shall be ratiocinated upon merits thereof.

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

September 02, 2025
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No