



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

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**CRM-M No.38669 of 2025
Date of decision : 29.7.2025**

Manoj Sharma.....**Petitioner****Versus****State of Haryana**.....**Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Sakshi Khera, Advocate, for the petitioner
(through VC)

Mr. Deepak 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 FIR No.322 dated 8.6.2023, under Sections 406, 420, 467, 468, 471 of the IPC, registered at Police Station Faridabad Kotwali.

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

'To, the Commissioner of Police, Sector-21C Faridabad. Subject: Application for taking legal action against the accused Devi Ram Sharma, Mobile No. 9350996873, resident of House No. 493, East Chawla Colony, Ballabgarh, Faridabad and Manoj Sharma, Mobile No. 8929868258, resident of House No. 738, Sector-8, Faridabad and other colleagues. Sir, it is requested that 1, the applicant Mukesh Kaushik, son of Shri Murari Lal, resident of village Mohana, sub-tehsil Mohana, district Faridabad



and I am running the agency of M/s Balaji Motors Bajaj Authorized Dealer, Bajaj Shri Wheeler, which is on rent, my agency plot no. 1B/209, Neelam Bata Road, NIT Faridabad. I wanted to run my agency in my own place and was searching for a place for that. During this time, Devi Ram Sharma came and met me at my agency. Deviram Sharma, who is from my younger brother Sunil's in-laws' side, hails from village Baate and now lives in his own house in East Chawla Colony, House No. 493, Ballabgarh. He came to me and said that I have a property in mind which is in Kaili village near DAV Public School, GT Road, Faridabad and my friend Ravindra Sharma's son Manoj Sharma works on commission in properties mortgaged in the bank and will get it for you at the right rate. In the last week of November-2022, Deviram Sharma brought Manoj Sharma with him to my agency Balaji Motors and told me that this is the boy who is the son of my friend Ravindra Sharma about whom I had talked to you earlier. This will get you the property in Kelly village and Manoj Sharma told me that this property is mortgaged in the bank which is mortgaged in Union Bank for Rs. 7,86,00,000/- and now you will get this property in auction for Rs. 5,16,00,000/- and showed us the papers of that property which are Aks, Jamabandi. Deviram Sharma and Manoj Sharma told me that you can also show these papers to the Patwari, when I showed AKS and Jamabandi to the Patwari, he told them to be correct and told me that it was mortgaged in the bank. On 09.12.2022, Deviram Sharma and Manoj Sharma took me to Kelli to show the property at Village Kelli GT Road, Near DAV Public School and they showed me the property which I liked and Deviram Sharma asked me for my papers and said give me the papers in whose name this property is to be taken. Because this property is now with MSTC and MSTC will auction it and give you this property and Manoj Sharma has a good hold in MSTC2. I gave the copy of my ID proof to Deviram Sharma and Manoj Sharma and they told me that your registration will be done in MSTC tomorrow itself. The very next day Manoj Sharma told me that your work is done and told me to arrange the money. You will have to deposit 25 percent of the amount within a day or two. On 15.12.2022 Manoj Sharma made a challan and sent it on my phone through Whats App and said that through this challan make 10 percent payment in this account number F 1111233883767757, which I deposited from the account of my firm Balaji Motors in the account number F 1111233883767757 of MSTC Ltd through



bank on 15.12.2022, which I deposited on the behest of Manoj Sharma and Deviram Sharma. The next day Deviram Sharma and Manoj Sharma came to my agency and said that your 10 percent payment has been deposited and now you have to deposit 15 percent payment by 22.12.2022 which has to be deposited under the policy of MSTC. On 19.12.2022, Deviram Sharma and Manoj Sharma said that your payment acknowledgement letter has been issued which you will get soon and Manoj Sharma sent the payment acknowledgement letter on my phone through Whatsapp which was made of Union Bank dated 19.12.2022 and told me to now pay 15 percent amount on 22.12.2022. On 22.12.2022, Deviram Sharma and Manoj Sharma again made another challan and said that through this challan, deposit the money in MSTC Ltd. account no. F 1111233883768858. When I asked Deviram Sharma and Manoj Sharma that this is a different account, both of them said that MSTC has many accounts and they can deposit it in any of them and said that we have guarantee of the money. Believing this, I deposited Rs 78,00,00,000/- from my firm Balaji Motors' account in MSTC account no. F 1111233883768858 on 22.12.2022 on the instructions of Deviram Sharma and Manoj Sharma. Which on 5.1.2023 Manoj Sharma created a letter and sent it on my Whats App on which has letterhead of Union Bank of India which was a Sale Acceptance / Confirmation Letter under which the registration and full payment of dues was to be made on 15.02.2023 and it was written that your 25 percent payment of Rs 1.29.64.783 has been received. That on 06.01.2023, Manoj Sharma made a WhatsApp call on my phone and said that I am engaged in your work and Deviram Sharma is also engaged in your work. During this time, on 13.1.2023, Manoj Sharma also sent a mail to the mail of my firm Balaji Motors that your file is in process and also sent a mail on 17.01.2023. That on 06.02.2023 Manoj Sharma sent a mail to my firm and said that the process of patta tark has been done and affidavits have been submitted on 30.1.2023 and for more information you can talk to Mr. Devendra Singh Grievance Head North India Mobile No. 8527135999. We called on mobile no. 8527135999 but the call was not picked up. On the same day when we called again, he told his name as Devendra Singh and said that I am busy right now and I will come and meet you tomorrow at your agency, but he did not come, so I called the next day, then he told that I am not a bank employee. You should talk to Manoj Sharma, I have become a bank



employee on the advice of Manoj Sharma. Then when I talked to Manoj Sharma, he said that another person will come because another person has been appointed whose name is Karan. And the mobile number is 8882421721. The next day Manoj Sharma brought a man to my agency and he told his name as Karan and he asked me to give the copy of my PAN card, Aadhar card, your verification will be completed and all your documents will be complete in two three days, I gave the copy of my documents to Karan. On 10.02.2023, I told Manoj Sharma that let's go to the bank and check the file whether it is complete or not because the registration time is on 15th but he started making excuses, I got suspicious of him. He was telling that he was in Mumbai. When I went to his house, House No. 738, Sector-8, Faridabad, I saw him going towards Sector-9, Faridabad in his car. I stopped him at Sector-9 and brought my agency with me. When I asked him that you were in Mumbai, he accepted his mistake. When I asked him to go to the bank, he got scared and accepting his mistake, he said that I have cheated you. I and Devi Ram have done this by hatching a conspiracy and planning with the intention of usurping your money. I accept my mistake and will call Devi Ram Sharma. When I called Devi Ram Sharma to the agency, Devi Ram Sharma said that I take guarantee for this, all these he wrote on his firm's letterhead that he will return the money and asked for time till 13.02.2023 but neither Deviram nor Manoj Sharma returned the money till 13.2.2023. After this, I on gathered the prominent people of the society 17.2.2023, then Deviram Sharma and Manoj Sharma accepted their mistake and a compromise was effected between us under which Deviram Sharma and Manoj Sharma asked for 15 days time and accepted their mistake in front of the society and said that they will return all the payment within 15 days. On the request of the prominent people of the society, I gave 15 days time, when 15 days passed, neither Deviram Sharma and Manoj Sharma accepted the compromise nor returned my said amount and now when I went to the house of Deviram Sharma and Manoj Sharma, they threatened to kill me and my family and started threatening to implicate me and my family in false cases. That Deviram Sharma and Manoj Sharma, along with their accomplices, have conspired and planned and prepared fake documents and claimed them to be genuine and have extorted Rs. 1,29,64,783 from me. Therefore, it is requested to Sir that a case be registered against the above culprits and strict legal action be taken against the culprits and my



money be recovered from the culprits and the life and property of me and my family be protected. I would be highly grateful of yours. Date: 14/3/2023 Note Copies of all the documents given by the culprits are enclosed. Applicant Mukesh Kaushik son of Shri Murari Lal resident of village Mohana sub-tehsil Mohana district Faridabad. Mobile No. 7065911911.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 4.4.2024. Learned counsel has further argued that a business deal between the petitioner and the complainant could not fructify to the satisfaction of the complainant, hence, the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that after completion of investigation, challan has been presented and culmination of the trial will take its own time. 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 25.7.2025 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 4.4.2024 whereinafter investigation was carried out and challan stands presented on 22.7.2024. Total 18 prosecution witnesses have been cited but only one has been examined till date. It is not in dispute that the trial emanating from the FIR in question is a magisterial one. The rival contentions raised at Bar



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.

6.1 As per custody certificate dated 25.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, three months and twenty-two days. As per the said custody certificate, the petitioner is stated to be involved in two more FIRs under Section 420 of IPC etc. and Court complaints under Section 138 of Negotiable Instruments Act, 1881. 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.

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

(SUMEET GOEL)
JUDGE

29.7.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No