



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

CRM-M-19373-2026 (O&M)
Reserved on: 14.07.2026
Pronounced on: 16.07.2026
Uploaded on: 16.07.2026

SURABH KRISHNA UPADHYAY

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

Coram: Hon'ble Mrs. Justice Shalini Singh Nagpal

Argued by: Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Sukhbeer Singh, DAG Punjab.

Mr. Mandhir Singh Virk, Advocate
for the complainant.

SHALINI SINGH NAGPAL J.

1. Petitioner seeks regular bail in case arising out of FIR No. 25 dated 16.02.2025 under Sections 316(2), 318(4), 336(3), 340(2), 61 Bharatiya Nyaya Sanhita, 2023, Police Station Patran, District Patiala. Offence under Section 338 BNS was added in the FIR during investigation. This is the first petition for regular bail.
2. Complainant Sukhdev Ram alleged that Saurabh Krishna Upadhyay, owner of Counselling Service Edupedics Services Pvt. Ltd. took a sum of ₹ 21,17,460/- from him on the assurance that he would get his son Gurpreet Ram admitted in MBBS course in Grant Government Medical College Mumbai. Out of this, ₹5,00,000/- was paid in cash, ₹15,00,000/- through RTGS. A sum of ₹ 9,00,000/- was transferred to one account and ₹ 6,00,000/- to another. His son was neither admitted in MBBS nor money



was returned. Whenever they made inquiries, they were sent fake e-mails in the name of college along with photocopies. Thereafter, they stopped receiving calls. When they went to their office, it was found closed. On enquiry, the company was found to be fake.

3. Learned counsel for the petitioner submits that petitioner was in custody since 11.08.2025. Investigation in the case was complete, challan had been presented, though charges were yet to be framed. He further submits that petitioner was a mere employee of Counselling Service Edupedics Services Pvt. Ltd. company, which was owned by co-accused. Sapna Taneja was Counsellor in the firm, whereas Rakesh Kumar was the Director. Complainant himself signed the consent form regarding payment of ₹ 20,00,000/- as consultancy fee. Learned counsel further submits that out of ₹9,00,000/- received in his account, ₹ 4,00,000/- had been transferred to the complainant on the day of arrest. Dispute of the complainant was with the firm, wherein petitioner was a mere employee. In the other cases registered against the petitioner, he was on bail. Trial had not yet commenced and petitioner, who was behind bars for he last almost 01 year, was entitled to be released on regular bail.

4. Learned State counsel assisted by learned counsel for the complainant opposed the prayer for regular bail arguing that petitioner was the main accused, who cheated the complainant on the pretext of getting his son admitted in MBBS. A sum of ₹ 9,00,000/- was transferred in his account, which he usurped and apart from the present case, petitioner was involved in 08 other cases of similar nature. Petitioner not only cheated the complainant, he also forged admission letters and sent fake e-mails and considering his antecedents, he did not deserve the concession of bail.



5. Case is triable by the Court of Magistrate. Investigation in the case is complete. Petitioner is in custody w.e.f. 11.08.2025. Trial has not yet commenced, even charges have not been framed. Conclusion of trial is likely to take long time. In the 08 other cases pending against the petitioner, he has been released on bail as evidenced by the orders, which are placed on record. In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail. Truth of the allegations against the petitioner can be determined only on conclusion of trial, which is likely to take some time to conclude. Further detention of the petitioner in the case is not warranted. In view of right of petitioner to speedy trial guaranteed under Article 21 of the Constitution of India and in the facts and circumstances of the case, but without a comment on merits, petition is allowed. Petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate.

6. Pending CRM(s), if any, are also disposed of accordingly.

(SHALINI SINGH NAGPAL)
JUDGE

16.07.2026

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No