



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118

CRM-M-34486-2026

Date of decision: 17.07.2026

Date of uploading: 17.07.2026

Gurpreet Singh Sidhu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Sonpreet S. Brar, Advocate, for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

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. 41 dated 22.09.2023 registered for the offences punishable under Section 420 of IPC, at Police Station City Ahmedgarh, District Malerkotla.

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

“ It is on record that vide order No. 858/P dated 21.09.2023, SSP Sir Malerkotla has issued an order against Shelly Batta W/o Vivek Batta and Ashu Batta, residents of Batta Bagh Railway Road, near Bhagat Singh Chowk, Ahmedgarh, District Malerkotla, mobile numbers 70092-50150, 88472-29060, for a civil case against Gurpreet Singh Sidhu, owner of Emerging Valley Private Limited, resident of Mohali, who is in jail under Section 420 IPC. To the SSP, District Head quarters malerkotla, Sir, Subject: Action to be taken against M.D. of Emerging India (P) Ltd, for committing fraud, we joint applicants, Shelly Batta and Ashu Batta for 2 BK, residential

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floor (Total Plot area 85 Sq Yard) in Trinity Homes, Located at Landran Banur Road Mohali by Emerging India (P) Ltd, have a complaint regarding fraud committed by M.D. of Emerging India (P) Ltd., Mr. Gurpreet Singh Sidhu (Mobile No. 98727-00016). We had made the full and final payment for the allotment of our flat on 19.11.2015 and have the necessary evidence to prove it (All documents attached herewith). In spite of making full and final payment of Rs. 13,40,000/- the company did not give us the possession of our flat, nor did it make repayment of our money/amount given. We tried to approach the M.D. of the company many times but all our attempts failed and the company did not adhere to our requests. We tried to approach the M.D of the company many times but all our attempts failed and the company did not adhere to our requests. We are facing a lot of harassment. We also gave an application regarding this matter to the SHO City Police Station Ahmedgarh on 28.01.2023 but nothing has been done so far. Due to this we are into a lot of depression and anxiety. So I hereby request you to take valid legal action against the M.D of the company for committing fraud with us. I hope you take appropriate action so that we get relieved from this harassment. I shall be highly obliged. yours faithfully, Shelly Batta Sd/-Shelly Batt, Ashu Batta Sd/-Ashu Batta Date:-Address:- Batta Bagh Railway Road Near Bhagat Singh Chowk Ahmedgarh Mob. 70092-50150, 88472-29060.”

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 01.02.2026. Learned counsel appearing for the petitioner has further submitted that the petitioner is a Managing Director of a Builder/Infrastructure Development Company and the petitioner, on account of supervening circumstances, was not able to undertake his business obligations completely & hence, has been implicated into the FIR in question. Learned counsel has further urged that the FIR in question tends to reflect that the case in hand is primarily a civil dispute, as the petitioner was not able to fulfill his obligations for handing over the flat/property in question. Learned

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counsel appearing for the petitioner has further submitted that the challan, upon culmination of investigation, already stands presented. He has further urged that the trial emanating from the FIR in question is a magisterial one. He has further submitted that the petitioner is facing various execution petitions before the concerned Consumer Forum and has also been convicted in some of them but the same ought not to be an impediment for grant of regular bail *qua* the FIR in question. 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 16.07.2026 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. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

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11. *We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.*

12. *A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution.”*

6.1. Further, the Hon’ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

*“Where the granting of bail lies within the discretion of the **court**, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the **court**, the primary inquiry is whether a recognizance or bond would effect that end.”*

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6.2. Furthermore, the Hon'ble Supreme Court in a judgment titled as Sanjay Chandra vs. CBI (2012) 1 SCC 40, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

7. The petitioner was arrested on 01.02.2026 whereinafter investigation was carried out and challan stands presented on 30.03.2026. Total 15 witnesses have been cited, out of which none has been examined till date and thus, it is indubitable that conclusion of trial will take long. The rival contentions raised at Bar give rise to debatable issues, which 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

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the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 16.07.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 14 days & is stated to be involved in other FIRs/consumer execution petitions. 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.

8. 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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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.

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- (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 cellphone 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.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

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

(SUMEET GOEL)
JUDGE

17.07.2026

Naveen

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