



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

CRM-M-39682-2025
Reserved on: 08.09.2025
Pronounced on: 30.09.2025

Sanjay Gordhanbhai Darji

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.K. Panchal, Advocate
for the petitioner.

Ms. Jasmine Gill, A.A.G., Haryana.

Mr. Sagar Tatusaria, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
261	27.09.2024	Sector 40, Gurugram	406, 420, 468, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 18 of the status report, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which read as follows:

“3. That at the very outset, it is submitted that the present petitioner is not having any place of permanent abode. None of the addresses given by him could be verified being correct and he has been stated to be staying in some Ashram at Surat. In the event of being granted the concession of bail, the petitioner may very well flee from justice and it would not be possible to trace his whereabouts. The petitioner has not been found to be staying at his permanent address at Bhuj and his Aadhar card carries address of Vadodara, however, as per the investigation, he had stayed at the said address given in his Aadhar card on rent for a short period.

4. That the brief facts leading to registration of the FIR aforementioned are that an order dated 21.09.2024 was received from

the Court of learned JMFC, Gurugram vide which directions. were issued for the registration of the FIR, aforementioned, against the persons arrayed as accused in the complaint moved by the complainant Umesh Goyal in the Court of learned JMFC, Gurugram. The contents of the complaint are being reproduced herein under for the kind perusal and ready reference of this Hon'ble Court as follows:

"1. That the complainant is a law-abiding citizen of India having office at 205, DLF Star Tower, NH-8, Sector-31, Gurugram Haryana 122001 falling under the Jurisdiction of this Hon'ble Court. True copy of the Aadhar Card of the complainant is annexed herewith and marked as Annexure A-4.

2. That the complainant is established Business- man and is running a Proprietor ship firm with the name KURU AGRI PRODUCTS, which is dealing in Aerognut Supari.

3. That the accused had approached the complainant with dubious motive to induce the complainant and defraud him for heavy amount of money. In design to achieve their objective the accused portrayed him to be in the business of Arecanut Supari. He called on 24.08.2022, on the mobile phone of the complainant from the phone number bearing 91 97245 XXXX, and introduced himself as regular customer of V. S Trading owned by Mr. Sanjay Kumar Vrajilal-Masharu having mobile no 9925XXXXX, 951227XXXX with whom the complainant had previous transactions. The accused mentioned that he got mobile no of complainant from Mr. Sanjay of V.S Trading. Mr. Sanjay of V.S trading told complainant to supply goods to accused Mr. Sanjay Gordhanbhai Darji of Shreeji Trading on his Guarantee, which was later found to be setup to defraud the complainant. All this happened as complainant refused to supply further goods to. Mr. Sanjay of V.S. Trading due to large debit towards him. Mr. Sanjay of V.S. Trading in conspiracy with Mr. Sanjay Gordhanbhai Darji of Shreeji Trading swindled complainant by giving his guarantee. Goods though taken in name of Sanjay Gordhanbhai Darji of Shreeji Trading were ultimately appropriated by Mr. Sanjay of V.S Trading. All was found to be set up to defraud the complainant as Mr. Sanjay of V.S trading working in conspiracy with other co-accused in same fashion is accused in FIR 208/2023 dtd 31.5.2023. Having gained trust of the complainant, the accused again called from the same mobile phone number on 25.08.2022, and induced the complainant to believe that he has good business practice and the payment will be made Immediately. The accused deceitfully induced the Complainant to trust him and he informed that he would be sending his vehicle to the storage of the complainant on 26.08.2022.

4. On 26.08.2022, the accused send a truck bearing Registration Number GJ-06-BT-8583 and picked up 3480 KGs of Arecanut supari. On the Guaranttee of Mr. Sanjay of V.S Trading goods were loaded in the above truck. An invoice of Rs. 19,59,552/ dtd 26.08.2022, was also raised on the very same date. The Accused confirmed receipt of the goods but thereafter refused to make the payment in the predesigned manner. Later on it was discovered that goods brought by the vehicle were appropriated by Sanjay of V.STrading. Mr. Sanjay Gordhanbhai Darji was one of the front man of Mr. Sanjay of V.S Trading. Both conspired to loot goods from Kure Agri Products.

5. That was shocked to the complainant thereafter started to make

enquiries for payment and was shocked to find out that the address given by the accused for GST registration is a fake address and was used only for personally duping the complainant. Complainant visited the address of the accused firm in August/Sept 22 as mentioned in GST registration and was shocked to find out that firm was not operating there.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. The complainant opposes the bail and refers to their reply.

8. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“17. The role of the petitioner: In so far as the role of the petitioner is concerned, he is the prime accused in the present case and he had duped the complainant with criminal intent of causing him wrongful loss. He had provided incorrect address of his registered firm as well and had got the goods delivered at a different address from the one given in the invoices, in furtherance of his criminal intent.”

9. It shall be relevant to refer to paragraphs 8 and 9 of the complainant's reply, which read as follows :

“8. With great difficulty he has been caught and would flee again the moment he is given bail.

9. It is submitted that petitioner Sanjay Darji is a fleeing risk as he has been arrested after 33 months and has no definite address. He is arrested from some Ashram in Surat where petitioner some time stays. Changing of location /city mobile no, sim cards require ingrained criminal tendencies and decent guidance and support to hoodwink process of law.”

10. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

11. Per paragraph 14 of the bail petition, the petitioner has been in custody since 25.05.2025. According to the custody certificate dated July 29, 2025, the petitioner's total custody in this FIR is 2 months and 1 day, and the offence is triable by a Judicial Magistrate.

12. As far as the plea of the State and the complainant regarding the petitioner not having a permanent abode is concerned, in today's era of highly speculative and inflated property prices that are largely unaffordable for much of the population, many people are unlikely to have a fixed address because they cannot afford to buy property, and even finding rental accommodation is equally challenging. When such individuals are arraigned as accused, it would be a miscarriage of justice to deny them bail solely because they lack a permanent residence. Additionally, in our country, there are hermits, sages who do not have permanent homes or residences and stay in ashrams, and even those people can be and have been arraigned as accused. Furthermore, what would be the situation in case of bailable offences? Whenever an offence is bailable, a person has to be released on bail. Simply because such a person has no place of residence would not mean that the person's liberty would be curtailed even when the offence is a bailable one. The objective of bail is not only to ensure the accused's presence at trial, but also not to curtail liberty on one-sided allegations that have yet to be confronted by the accused and to pass the test of judicial scrutiny of their credibility and legality. Is having a permanent abode/ address an indispensable criterion to grant bail? This Court is not inclined to give such a narrow meaning to the purpose and objectives of bail. Moreover, even if one does have a permanent address, it is not the case that such premises cannot be vacated, or such property cannot be surreptitiously sold off.

13. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar

¹Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

²Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

14. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner's clean antecedents and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

15. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

16. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

17. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

18. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or	

³Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

	considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

19. This order is subject to the petitioner's complying with the following terms.

20. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

21. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

22. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

23. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

24. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

25. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

30.09.2025
Jyoti Sharma

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: YES.