

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:2530
			<u>BA 1st No.197 of 2026</u> "Imran Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Deepak Pethshali, learned counsel for the Applicant. 2. Mr. Chitrarth Kandpal, learned Brief Holder, for the State of Uttarakhand. 3. Heard learned counsel for the Applicant and learned State Counsel, and perused the record. 4. The present first bail application has been moved by the Applicant, Imran, aged about 64 years, in connection with Case Crime No.61 of 2016, registered at Police Station Kotwali Roorkee, District Haridwar, under Sections 417, 419, 420, 467, 468, 471 and 120 B IPC. 5. As per the case set up in the FIR, the informant was introduced to the Applicant and other co accused persons through one Dilshad. It is alleged that the co-accused, Islam and Arshad, represented themselves as persons engaged in land transactions and introduced one person claiming to be Yasin, son of Makhdum Bakhsh, who was stated to be the owner and in possession of the land in question. It is further alleged that revenue records and identity papers in the name of Yasin were shown to the informant, the land was shown on the spot, and thereafter, on 20.01.2016, the land transaction was finalized at the rate of Rs.11,00,000 per bigha for a total consideration of Rs.67,32,000. 6. The further allegation in the FIR is that documents were prepared, thumb impressions and photographs were affixed, and two sale deeds were subsequently executed and

		registered before the office of the Sub Registrar, Roorkee, in favour of the informant and another purchaser. According to the FIR, the executant was not the real Yasin, but an impersonator, and forged identity papers were used in the transaction. It is alleged that the accused persons, acting in connivance with each other, identified the impersonator as Yasin and obtained the entire sale consideration through cash and cheques by cheating and fraud. 7. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated. It is submitted that the FIR came to be lodged after an unexplained delay of more than two months. It is further submitted that the allegations arise out of a documentary land transaction, no recovery has been effected from the possession of the Applicant, investigation already stands completed, and charge-sheet has been submitted, therefore, no custodial interrogation of the Applicant is now required. 8. Learned counsel for the Applicant further submits that during the course of investigation, the Applicant had earlier been granted protection from arrest by this Court vide order dated 26.08.2016 and, during the entire said period, he cooperated with the investigation and did not misuse the liberty so granted. It is also submitted that the Applicant has been taken into custody on 15.01.2026 through production warrant from District Jail, Bijnor, and is in custody since then. According to learned counsel, the Applicant is a permanent resident of the address mentioned in the bail application, there is no likelihood of his absconding or tampering with evidence, and the trial is likely to take time.
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		9. Per contra, learned State Counsel opposes the bail application and submits that the allegations are serious in nature and disclose a concerted act of cheating, impersonation, forgery and conspiracy. It is submitted that the present Applicant, along with co accused Islam and Farman, helped in getting prepared a fake voter identity card and ration card in the name of Yasin and also in opening a bank account in that name in PNB Bank, Belda, Roorkee. It is further the case of the State that, in place of Yasin's photograph, the photograph of Hasrat Ali was used and, on that basis, the land was fraudulently sold to the complainant. 10. Learned State Counsel further submits that during investigation, the statements of the complainant and other witnesses were recorded and, thereafter, charge-sheet under the aforesaid sections has been submitted against the present Applicant and other co accused persons. It is, thus, contended that looking to the nature of accusation and the role attributed to the Applicant, he does not deserve to be enlarged on bail. 11. I have considered the rival submissions and perused the material available on record. 12. There can be no dispute that the allegations against the Applicant are serious. The FIR as well as the counter affidavit attribute to the accused persons a planned transaction involving impersonation of the true owner, use of forged identity papers, and fraudulent execution of sale deeds in relation to land for a substantial consideration amount. At this stage, therefore, the seriousness of the accusation cannot be lightly brushed aside. 13. At the same time, certain features of the matter assume
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		significance for the purpose of bail. The case pertains to the year 2016. Investigation has already been completed and charge-sheet has been submitted. Consequently, the presence of the Applicant is no longer required for custodial interrogation. 14. It is also borne out from the material placed before this Court that, during the course of investigation, the Applicant had the benefit of an order dated 26.08.2016, whereby it was directed that he shall be arrested only in accordance with the requirements of Section 41 CrPC and he was directed to cooperate with the Investigating Officer. The present bail papers assert that the Applicant cooperated during that period and did not abscond, and nothing substantial has been brought to the notice of this Court from the material placed in the paper-book to show that he had misused such liberty during investigation. 15. It is further the case of the Applicant that he is in custody since 15.01.2026. Having regard to the age of the case, the fact that charge-sheet has already been submitted, and the likelihood that the trial may take time, continued incarceration of the Applicant for an indefinite period would not serve any useful purpose, particularly when the object of bail is to secure the presence of the accused during trial. At this stage, the evidence is yet to be tested during trial, and this Court does not propose to enter into a detailed appreciation thereof. 16. Thus, without expressing any opinion on the merits of the prosecution case, and considering the totality of the facts and circumstances, this Court is of the view that the Applicant
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has made out a case for grant of bail.

ORDER

The bail application is allowed.

Let the Applicant, Imran, be released on bail in connection with Case Crime No. 61 of 2016, registered at Police Station Kotwali Roorkee, District Haridwar, under Sections 417, 419, 420, 467, 468, 471 and 120 B IPC, on his furnishing a personal bond and two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

The release of the Applicant on bail shall be subject to the following conditions:

The Applicant shall appear before the trial court on each and every date fixed, unless his personal appearance is exempted in accordance with law.

The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Court or to any police officer.

The Applicant shall not tamper with the evidence and shall not misuse the liberty of bail in any manner whatsoever.

(Ashish Naithani, J.)

19.03.2026

Nitesh/

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