

CRM-M-2871-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2871-2025
Reserved on: 14.02.2025
Pronounced on: 19.02.2025

Vishal Kumar @ Raboo ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parmender Singh, Advocate for
Mr. Ritesh Tomar, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
111	20.03.2024	Central District Faridabad	420, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 11 of the bail petition and para No.9 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	03	03.01.2018	363/366/506 IPC	Kithari, (Uttar Pradesh)
2	113	2020	188, 392, 397, 120-B IPC and 25/54/59 of Arms Act	Chhainsa, Faridabad

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the present case are that an intimation bearing no. 380 dated 18.03.2024 along with the order dated 01.03.2024 was received from the Reader of Court of Ld. ASJ, Faridabad. In the order dated 18.03.2024, it was mentioned that Vishal Kumar @ Raboo (present petitioner) was released on bail after furnishing surety bonds of one Raj

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Kumar Saini and the said surety had given his original RC in the Ld. Court along with the surety bonds. The Ld. Court had taken on record the said original RC. On the said day i.e. 01.03.2024, the person namely Raj Kumar Saini moved an application in the said Ld. Court and stated that he has never given any surety in favour of Vishal @ Raboo.

He had come to know about the same from Cars-24 company to whom he had given the original RC for sale of his vehicle no. Hr-51-BN-3472. The petitioner Vishal @ Raboo was also present in the Ld. Court at that time. He was asked by the Ld. ASJ, Faridabad as to why he had furnished a forged surety, upon which he told that he was in custody and as such he cannot tell whether Raj Kumar Saini is a genuine person or not. In this way, the fraud was committed with the Ld. Court by furnishing the forged surety and forged RC. Vishal @ Raboo was ordered to be taken into custody by the Ld. ASJ, Gurugram in case no. SC/788/2021 in FIR No. 113 of 2020 P.S. Chhainsa, Faridabad (in which he was facing trial). It was directed by the Ld. Court to register the FIR. Thereupon, the above mentioned FIR No. 111 dated 20.03.2024 u/s 420, 467, 468, 471, IPC was registered at P.S. Central, Faridabad.”

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 State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“7. That the role of the petitioner Vishal Kumar @ Raboo in the present case is that he has furnished a fake surety before the Court of Ld. ASJ, Faridabad and he had obtained the concession of bail from the Ld. Court on the basis of the fake surety and fake documents. The petitioner is the ultimate beneficiary of the present fraud committed with the Ld. Court.”

REASONING:

7. It is apparent from the investigation that petitioner has furnished fake surety, but he was not aware of the original person because he was in jail, petitioner is entitled to bail on this ground.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but

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this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage

10. 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.

CONDITIONS:

11. Given 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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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

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

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

18. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

19.02.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.