



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRM-M-18928-2025
Decided on: 08.04.2025

Shyam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kunal Muthreja, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
111	20.03.2024	Faridabad Central, Faridabad (Haryana)	420, 467, 468 and 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. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“FIR 113/2020 CHAINSA CNR No: HRFB010149182021 CIS No:SC/788/2021 STATE OF HARYANA VS SATISH etc. Present: Sh. N.K. Bhukkal, P.P. for the State. Accused Satish and Vishal Rabbo on bail, in person, represented by Sh. Sushil Kumar, Adv. Accused Pawan Bhati on bail, in person, represented by Sh. A.K. Vamdev, Adv. Accused Nitin on bail, represented by Kr. Virender Singh Advocate. Accused Nitin is not present and an application seeking exemption on his behalf moved. Heard. In view of the facts mentioned in the application, personal appearance of accused Nitin is dispensed with for today only. Today, case is fixed for prosecution evidence, however, no witness is present. From the record, it revealed that accused Vishal @ Rabbo was released on bail after furnishing surety bonds by Raj Kumar Saini, and the surety had given



original RC along with the surety bonds in the Court and this Court has taken on record the original RC. Today, one Raj Kumar Saini s/o Sh. Ved Ram Saini moved an application in this case and submitted that he has never given any surety in favour of accused Vishal @ Rabbo and he came to know about this fraud from Car 24 Company to whom he had given the original RC for sale of his vehicle bearing registration No.HR 51 BN 3472. A separate application has been moved in this regard. The accused Vishal @ Rabbo is also present in the Court and this Court has specifically asked him why he has managed a forged surety because he is the beneficiary and he replied that he was in custody, therefore, he cannot tell whether Raj Kumar Saini is the genuine person-or not. Separate statement was given by Sh. Raj Kumar Saini in this regard. In view of the above, this Court is of the view that a fraud has been committed with the Court by furnishing a forged surety and a forged RC prepared by the surety. Therefore, cognizable offence has been committed by the accused as well as surety and role of the Car 24 Company is also to be investigated how they have given original RC to some other unknown person to facilitate them to make a fraud due to which accused secured the bail. A copy of this order be sent to SHO PS Central, Faridabad and also hand over the application filed by Raj Kumar Saini in original with the direction to concerned SHO to register an FIR and investigate the matter. In view of the above, the bail bonds and surety bonds of accused Vishal @ Rabbo is cancelled and forfeited to the State because the secured the release from the custody after furnishing fake surety and documents, as such he is taken in custody. Now the case is adjourned to 03.04.2024 for prosecution evidence. PWs be summoned for the date fixed. Date of Order: 01.03.2024 Ishika Sd (Amrit Singh) Addl. District and Sessions Judge- Faridabad (UID No. HR0168) No: 380 Date: 18/3/24."

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

5. The State's counsel opposes bail on instructions.

REASONING:

6. Only allegation attributed to petitioner that he is relative of the co-accused Vishal and identifier of fake surety Raj Kumar Saini and one year has already been passed but police did not arrest the petitioner. 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 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.

7. 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. 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.

8. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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 Ilqa 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.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.
12. 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.
13. 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. 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.

15. 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 be at liberty to cancel this bail.

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

17. 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.

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

**(ANOOP CHITKARA)
JUDGE**

08.04.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.