



CRM-M-19988-2025 (O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-19988-2025 (O&M)****Reserved on : 25.09.2025****Pronounced on : 29.09.2025**

Devinder Sharma @Aman

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Sanyam Khetarpal, Advocate for the petitioner.

Ms. Deepali Verma, A.A.G. Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 407, 420, 467, 468, 471 and 120-B of the Indian Penal Code, the FIR No.103 dated 03.05.2024, has been lodged in Police Station Chhainsa, District Faridabad. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody since 19.11.2024 and, therefore, craving for bail. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the abovementioned FIR came into being on a complaint of Parmod Kumar, hereinafter being referred to as 'complainant' only. It was alleged by the



complainant that on 25.04.2024, he had hired the truck bearing registration No.UP74-AT-0781 for transportation of bags of wheat at Mohna Mandi and the same were to be unloaded at Bhansrawali, Government warehouse. According to complainant, before handing over the abovementioned consignment he had collected the photocopy of Registration Certificate of the vehicle, and also the Aadhar Card and PAN Card of the owner of the vehicle. It was further alleged by the complainant that gate pass for the exit of abovementioned vehicle was duly issued on 26.04.2024 and in the same fashion on 27.04.2024, 496 bags of wheat were loaded in the same truck for the same destination, but on that occasion, the abovementioned truck never reached the destination. According to complainant, the truck driver and the consignment were missing.

3. It is the case of the prosecution that on the basis of abovementioned complaint, formal FIR in this case was lodged and the investigation taken up. During the course of investigation, the truck/canter bearing registration No.UP74-AT-0781 was seized by the police on 04.05.2024 and on 14.05.2024, the owner of abovementioned vehicle, namely Shishu Pal, was joined in the investigation. According to prosecution, during the course of investigation, with the help of GPS location, it was found that on the day when consignment was loaded in the truck, the truck bearing registration No.UP74-AT-0781 was in use at some other location. As per prosecution, during the course of investigation, it was proved that by forging number plate and misusing the copies of RC of



abovementioned truck and other documents of owner of the truck, somebody had committed the theft in question.

4. As per the details of case set up by the prosecution, in view of abovementioned discovery, it was detected by the Investigating Officer that in addition to above theft, there was an element of forgery of document also, and thus, Sections 420, 467, 468, 471 and 120B of IPC have been added.

5. It has been alleged by the prosecution that when the investigation in the present case was in progress, the petitioner was arrested in some other case, and during the course of investigation in the case, it was revealed that in fact, it was the petitioner, who was involved in the commission of abovementioned offence. Thus, the petitioner has been taken into custody in the present case.

6. Heard.

7. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner, the petitioner is being made scapegoat, whereas neither, he was driving the vehicle at the time of incident nor, he was present on the spot. According to learned counsel for the petitioner, the name of petitioner does not figure in the FIR and he is facing prolong incarceration, merely on the basis of unreliable evidence, collected by the investigating agency, against the admissibility of which, there is a very big question mark.



8. *Per contra*, learned State Counsel has argued that petitioner is a habitual offender, who is facing two other cases also in addition to present one, and that one of the abovementioned cases is a case for forgery and cheating. According to learned State Counsel, in a very clever manner by misusing the documents pertaining to some other vehicle, the petitioner used a wrong number plate on his own truck and thus, duped not only the victim in this case, but also the financier of the vehicle. As per learned State Counsel, in view of abovementioned conduct, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. In the present case, a perusal of record shows that there are certain relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present bail petition: Those are: -

- a) that the petitioner is already in custody since 19.11.2024, i.e. for a period of more than 10 months;
- b) that since the investigation in this case is already complete, nothing is left to be recovered from the possession of petitioner;
- c) that the offence for which the petitioner is being prosecuted is triable by the Court of Judicial Magistrate;
- d) that trial is not likely to be concluded in near future;
- e) that detention of the petitioner in judicial lockup is not likely to serve any purpose; and



- f) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

11. With regard to present fact situation, the Hon'ble Supreme Court of India in the case of '*Dataram Singh v. State of Uttar Pradesh*', *2018(2) RCR (Criminal) 131* has ruled that an important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home is an exception.

12. With regard to principle governing grant of bail, in the case of '*Sanjay Chandra v. Central Bureau of Investigation*', *(2012) 1 SCC 49*, the Hon'ble Supreme Court of India has ruled 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 preventive. 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. Detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted 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 India, 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. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or it refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.

13. In view of the abovementioned legal proposition of law, if the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner, who is already in custody for a period of more than 10 months, is entitled for the benefit of bail.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. In case, the concerned Court is not available on the given date, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 29, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No