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

CRM-M-23880-2025

Date of decision: 20th November, 2025

Vikram

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Lajpat Rai Sharma, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No. 512 dated 25.10.2018 registered under Sections 120-B, 406, 420, 467, 468, 471 and 506 IPC at Police Station Rai, District Sonipat.

2. Brief facts of the present case are that the petitioner along with co-accused persons induced the complainant to enter into a land deal by preparing fake documents, wherein Rs. 1.5 crores were taken from him and one of the co-accused impersonated as Madan Mohan, the alleged owner of the land. It was later revealed that the real Madan Mohan had already expired, leading to registration of the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was involved in the alleged offence nor he was the

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beneficiary of the alleged fraudulent transactions. He further submits that if the prosecution story is believed to be true, even then the only allegation against the petitioner is that he made a false rent agreement and helped the co-accused in opening bank account in the name of impersonator, who was posing as Madan Mohan. He further submits that apart from the rent agreement there is no other evidence linking the petitioner to the alleged offence except the agreement. The petitioner is in custody since 09.01.2025. He further submits that co-accused Azad has already been granted bail by Co-ordinate Bench vide order dated 16.11.2019. The investigation is complete and challan has also been presented. He further submits that there are total 25 prosecutions witnesses but none has been examined till date and as such, the trial may take quite a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition has filed the status report and custody certificate of the petitioner, which are taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature. He submits that the petitioner has actively participated in the conspiracy by preparing a false rent agreement in the name of a fictitious person created to impersonate the deceased-Madan Mohan, the original land owner. He further submits that petitioner is involved in one more case, meaning thereby he is a habitual offender.



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6. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the petitioner is in custody for the last more than 10 months; the investigation is complete; challan has been filed; there are total 25 prosecutions witnesses but none has been examined till date and trial is proceedings at snail's pace, as such it will take a long time to conclude. No useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-



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"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the above, without commenting any further on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.
10. The present petition is disposed off accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

20th November, 2025

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Whether speaking/reasoned Yes/No
Whether reportable Yes/No