

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36870-2025
Reserved on: 06.08.2025
Pronounced on: 26.08.2025

Dinesh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Ms. Shaveta Sanghi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
213	26.08.2024	Dadri City, District Charkhi Dadri	420, 467, 468, 471, 120-B IPC

1 The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2 In paragraph 19 of the bail petition, the petitioner declares that he has no criminal antecedents.

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

“2. That brief facts in the matter are that a case FIR No.213 dated 26.08.2024 under sections 420/467/468/471/120-B IPC PS City Dadri was registered on the complaint of Pinki daughter of Hoshiar Singh resident of village Kheri Batter district Charkhi Dadri stating inter-alia therein that they have land inside Lal Dora in village Kheri Batter and she and her mother Sunita are co-sharer of the same. Her father Hoshiar Singh has expired on 22.12.2021. That land measuring 10 Kanal and house of her dead father sold by her brother Ravinder @ Mohit through two sale deeds, for which payment of Rs.3,80,000/- was received through cheque dated 05.02.2024 from one Sharmila wife of Satyawar for 2 Kanal 1.82 Maria land and land measuring 7 Kanal 19 Marla was sold to Parmila wife of Pardeep, Sarpanch of the village, for which payment was received through cheque dated 18.09.2023. In this regard Komal wife of Ravinder (Sister-in-law of complainant) stood as attesting-witness in release-deed No.6449 dated 5.2.2024 executed in favour of her husband Ravinder to succeed the ownership exclusively from her father-in-law Hoshiyar Singh, who had died on 22.12.2021 leaving behind widow Sunita @ Guddi,

daughter Pinki (complainants) and accused Ravinder as son. The complainant further stated that her deceased father Hoshiyar Singh was fraudulently and deceitfully shown as alive to cheat the complainant and her mother and entire agriculture land and residential house running the name of deceased Hoshiyar Singh were fraudulently usurped and were sold subsequently to some third persons by accused Komal and husband Ravinder.”

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 his family.

5 The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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

7 It would be appropriate to refer to the following portions of the reply, which reads as follows:

“ROLE OF THE PETITIONER

9. That role of the petitioner is that the petitioner in collusion with co-accused Ravinder, despite having knowledge that Hoshiyar Singh has already expired two years back i.e. on 22.11.2021, participated in the sinister deal and stood as a witness in land transfer deed No. 2858 dated 16.08.2023, whereas some bogus person (another co-accused) was impersonating himself as Hoshiyar Singh at the time of execution of this transfer-deed. By way of this deed co-accused namely Ravinder got transferred land measuring 7K-11M-325.

10. That enough documentary evidence against the petitioner is available with the investigating agency in shape of death certificate of Hoshiyar Singh and, forged sale deed in which the petitioner stood as witness. The petitioner was having due knowledge that Hoshiyar Singh has expired two years back i.e. on 22.11.2021, despite that he stood as witness in forged sale deed in lieu of Rs.3,000/-.

11. That offence committed by the petitioner are serious in na and the trial is at initial stage and charge are yet to be framed. Hence, the petitioner if granted regular bail, he will influence the witnesses, hamper the trial or may flee from justice.”

REASONING:

8 Petitioner was only witness and no benefit gone in his favour and he is not beneficiary. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction

sentencing. As per paragraph 13 of the bail petition, the petitioner has been in custody since 12.03.2025. As per the custody certificate dated 05.08.2025, the petitioner's total custody in this FIR is 04 months and 23 days. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

9 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.

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.

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 concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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.

14 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.

15 The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be

desirable to impose the following additional condition.

16 This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

18 In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

26.08.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.