



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

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**CRM-M No.38623 of 2025
Date of decision : 25.7.2025**

Shekhar Jain**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. D.S. Matya, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.165 dated 23.7.2024, under Sections 419, 420, 467, 468, 471, 120-B of IPC and Section 12(1) of Passport Act, 1967, registered at Police Station Farakpur, District Yamuna Nagar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of complaint is as under- To, SHO Sahib PS Farakpur District Yamuna Nagar. Requested that I, SI Daljeet Singh No. 738/KKR am posted in Special Task Force Unit Ambala. Today I have information from my received secret reliable informer that heinous criminal Sachin son of Rajbir Sharma resident of Village Sudhail, District Yamuna Nagar, PS Farakpur, has who lot of criminal record and has absconded while on bail from Hon'ble Court and whose arrest is pending in heinous crimes, has



fled abroad by getting issued his passport on the name of Vikas Kumar son of Raj Kumar resident of Nath Bhola 1036, Nagar, Shahdara, Delhi from passport office on dt. No. Street 6, 27.02.2023 by preparing forged and fabricated documents in connivance with other persons. His passport bears No. X6621579. This passport has been issued on fake identity Vikas Kumar son of Raj Kumar resident of 1036, Street No. 6, Bhola Nath Nagar, Shahdara, Delhi. Many cases are pending Delhi. Many against him in Hon'ble Courts and his arrest is pending in heinous crimes. After coming out on bail he has fled abroad by getting issued his passport on bogus name of Vikas Kumar son of Raj Kumar resident of 1036, Street No. 6, Bhola Nath Nagar, Shahdara, Delhi. Many cases of heinous crimes are registered against him in Haryana. FIR be registered against Sachin son of Rajbir Sharma resident of Village Sudhail, PS Farakpur, District Yamuna Nagar and other persons under sections 419,420,467,468,471, 120-B IPC and 12 (1) Passport Act 1967 and necessary action be taken. Complainant:- Sd/- (Daljeet Singh SI) SI Daljeet Singh No. 738/KKR Special Task Force Unit Ambala Date 23.07.2024.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.5.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution evidence available against the petitioner is the disclosure of the petitioner's own father. Learned counsel has further submitted that the allegation of cheating and forgery are not made out against the petitioner in the factual matrix of the case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 24.7.2025 in Court, which is taken on record.



5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 01.5.2025 whereinafter investigation was carried out and challan was presented in the case on 24.7.2025. Total 20 prosecution witnesses have been cited but none has been examined till date. It is, thus indubitable that conclusion of the trial will take its own time. It is not in dispute that the trial emanating from the FIR is magisterial one. The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 24.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 2 months and 23 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR under the Prevention of Corruption Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR.



Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of



the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

25.7.2025
Ashwani

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