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

CRM-M-39369-2025 (O&M)

Date of decision: 29.07.2025

Ravi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.9
dated 07.01.2025 under Sections 419, 420, 467, 468, 471, 120-B of the Indian
Penal Code, 1860 (for short 'IPC'), registered at Police Station Civil Lines,
Hisar, District Hisar.

2. The present FIR was registered on the allegations that on
18.12.2024, an order bearing CIS No.SC/271/2023 titled as State of Haryana
vs. Ajay @ Ajju etc. was received from the Court of learned Additional



Sessions Judge, Hisar. As per contents of the order, the petitioner furnished bail/surety bonds, wherein surety was Arjun son of Pali, who had furnished his Aadhar Card along with jamabandi. Thereafter, the petitioner jumped bail and notice to his surety was issued. On that day, some different person by the name of aforesaid Arjun appeared before the Court and moved an application revealing therein that Rajesh Kumar son of Lakhi, resident of Uklana had stood surety for the petitioner and he had produced forged Aadhar Card, wherein he had mentioned his name as Arjun son of Pali Ram. He also furnished the jamabandi of the land, belonging to real Arjun. After receiving this application, the Court ordered to lodge an FIR and accordingly, FIR (*supra*) was registered, in which during the investigation, the police collected all the documents like bail application, vakalatnama, surety bonds and copy of jamabandi. Arjun son of Pali Ram and his identifier Naresh Kumar son of Parbhati Ram were joined in the investigation. During the investigation, it surfaced that the petitioner was in custody in FIR No.113/2023 under Sections 147, 323, 332, 353, 307 of IPC and in order to get him released on bail, Vinod son of Prithvi prepared the forged Aadhar Card of Arjun son of Pali Ram resident of Uklana and affixed the photo of Rajesh son of Lakhi Ram. The jamabandi of Arjun son of Pali Ram was got issued and Rajesh presented a fake surety in the Court on 31.01.2023 by impersonating himself as Arjun, who was identified by Naresh Kumar, who had forged the ID card issued by the Development and Panchayats Department. As such, on 14.01.2025,



aforesaid Vinod, Rajesh @ Raja, Jitender @ Chhala and Naresh were arrested and on 16.01.2025, the petitioner was also arrested.

3. Learned counsel for the petitioner, *inter alia*, contends that admittedly, at the time of alleged crime, the petitioner was in custody and the allegations with regard to impersonation and for preparation of false documents are against co-accused Rajesh, Naresh, Arjun and Vinod. Further, co-accused Naresh has already been granted the concession of regular bail by this Court vide order dated 03.07.2025 passed in CRM-M-31067-2025 (Annexure P-2). It is further contended that entire case of the prosecution is based upon documentary evidence. The offence, under the FIR (*supra*) is registered, are triable by the Court of Magistrate and the investigation is complete. The petitioner has suffered incarceration of more than 06 months.

4. *Per contra*, learned State counsel has produced the custody certificate dated 28.07.2025 of the petitioner, which is taken on record. He opposes the prayer for grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established. The allegation against the petitioner is very serious and his act and conduct directly impacts the administration of justice. The petitioner is beneficiary of the fraud and impersonation. As such, the petitioner is not entitled to any relief. Further, the petitioner is involved in three more cases. However, learned State counsel could not controvert the fact that offence, under the FIR (*supra*) is registered, are triable by the Court of Magistrate and out of total 11



prosecution witnesses, none has been examined till date.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind bars since 17.01.2025 and the trial of the case will take long time in its conclusion, as out of 11 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. Keeping the petitioner in further 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.

6. A two Judge Bench of the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed as under: -

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a



police State as both are conceptually opposite to each other.”

7. In view of the above, present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioner Ravi is ordered to be released on regular bail during trial on his furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall proceed without being prejudiced by the observations of this Court.

29.07.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No