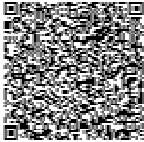


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44649-2025

Date of decision: August 22, 2025

Amit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate,
Ms. Sukriti Jain, Advocate and
Mr. R.P.S. Jammu, 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 bearing FIR No.340 dated 07.08.2024, registered for the offences punishable under Sections 419, 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Palam Vihar, District Gurugram.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

"To, The Commissioner of Police, Gurugram, Haryana, Subject: Complaint for plot number 3707P Sector 23-23A, Gurugram, Haryana. Dear Sir, I Indira Khanna age 74 years (senior citizen) registered owner of Plot No. 3707P situated in Sector 23-23 A, Gurugram Haryana through, sale deed no:10641 dated 16th Aug 2004 came to know through market source that my plot is for sale and the selling person Mr. Sunil Kumar is selling through sale deed in his favor which I haven't executed in anyone's

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favor. I haven't ever applied for transfer permission in HUDA, neither appeared in the concerned department nor executed any sale deed no 1693 executed on 14th May 2024 not appeared in front of Tahsildar as well. Mr. Sunil Kumar has created a false documents in my name used them to get the Sale Deed registered in his favor. The Aadhar Card No 3650 1789 3011 and PAN no DKJDK1411K mentioned in the fabricated deed are not mine. Picture in webcam is also not mine. The cheque number mentioned on the sale deed is not credited in my account. I am a retired employee of Delhi University. My original signatures can be verified from any of my original documents i.e. PAN Card, Passport ID card. I can also produce all original documents for verification at any time needed. I pray to competent authority that the complaint of fraud/forgery/cheating may be registered under IPC acts, appropriate action may be taken as soon as possible, so that Mr Sunil Kumar don't forge any other person by selling the said plot. All original documents are still with me, which can be verified at any time as per your convenience. Further I request to allow my Son HITESH KHANNA residing with me to appear whenever needed. I authorize HITESH my son to take any relevant action on my behalf. His signatures are attested below. I am a law abiding citizen of India assure the competent authority all facts mentioned above are genuine. I pray for justice in front of competent authority.”

3. Learned Senior counsel for the petitioner has iterated that the petitioner is in custody since 02.05.2025. Learned Senior counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned Senior counsel has iterated that assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is ascribed role of being an attesting witness *qua* the sale deed in question. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner 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 the custody certificate dated 21.08.2025, in the Court today, which is taken on record.

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

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6. The petitioner was arrested on 02.05.2025 whereinafter investigation was carried out and challan was presented on 11.07.2025. Total 15 prosecution witnesses have been cited, but none has been examined till date. It is indubitable that the conclusion of trial will take some time. The rival contentions raised at Bar give rise to debatable issues, which shall 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 21.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 18 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). 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*

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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.

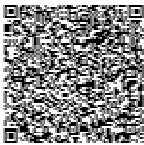
7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the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

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- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 22, 2025
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No