



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

CRM-M No.46722 of 2025 (O&M)

Reserved on: 04.11.2025

Date of Decision:11.11.2025

Farman

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Davneet Sangwan, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 316(2), 318(4), 61, 338, 336(3) and 340(2) of BNS, the FIR No.72 dated 22.02.2025, has been lodged in Police Station City Jagadhari, District Yamuna Nagar. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition for grant of bail, under Section 483 of BNSS.

2. In nut-shell the facts emerging from record are that on 22.02.2025 a complaint was submitted by Gagandeep Singh, RCV Manager, Bajaj Finance Limited, HUDA Sector-17, Jagadhari, who complained that the accused 'Gulzar Ahmed' and 'Irfan Ali' had prepared fake Aadhar Card and PAN Card, and that on the basis of above mentioned fake documents they got loan sanctioned by their branch and purchased several electronic appliances. It was



also alleged by the above named complainant that along with Gulzar Ahmed and Irfan Ali, the petitioner Farman was also involved.

3. It is the case of the prosecution that in response to above mentioned complaint formal FIR of this case was lodged and the investigation was taken up. According to prosecution, during the course of investigation when the documents submitted by the above named accused were verified it was found that the documents used by the petitioner and his co-accused for the purpose of raising loan, for purchasing of electronic appliances, were fake.

4. Heard.

5. It has been contended on behalf of the petitioner that petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that in the FIR itself no role has been attributed to the petitioner qua the commission of crime. As per learned counsel for the petitioner otherwise also the offence is triable by the Court of Judicial Magistrate and the petitioner has already suffered a long incarceration for being in custody for a period of more than 7 months and 28 days.

6. Per contra, the learned State counsel has argued that the name of petitioner crops-up in the FIR itself and that a major role has been played by the petitioner, as he was responsible for impersonation by using fake IDs, and thus, the petitioner had played a prominent role in the commission of crime.

7. The record has been perused carefully.

8. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

i) that the offence is triable by the Court of Judicial Magistrate;



- ii) that the petitioner has already suffered a long incarceration for being in custody for a period of 7 months and 28 days;
- iii) that in the FIR it has not been specified what role was played by the petitioner in the commission of crime. There is only a passing references in the FIR, that he was also involved in the above mentioned crime;
- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that the trial of the case is not likely to be concluded in near future;
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses;
- xiii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

9. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until*



found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that “*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to*



legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

11. Recently, in the case of ‘***Tapas Kumar Palit Vs. State of Chhattisgarh***’, **2022 INSC 222**, the Hon’ble Supreme Court of India has observed that “*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed*”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently*”.

12. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “***Balwinder Singh versus State of Punjab and Another***”, **SLP (Crl.) No.8523/2024**.

13. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail



and the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on his furnishing bail bonds and surety to the satisfaction of trial Court, subject to the following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from closing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

15. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

11.11.2025
Manoj Bhutani

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