

CRM-M-50164-2025

2025:PHHC:173089



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50164-2025

Rakesh Gupta

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: December 11, 2025

Date of Uploading: December 11, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Jeevanjot S. Kang, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (corresponding Section 439 of Cr. P.C.) for grant of regular bail to the petitioner in case FIR No.491 dated 18.07.2024, for the offence punishable under Sections 3(5), 318(4) & 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 111(2), 308(2), 338, 336(3), 340(2), 238 & 215 of the BNS and Sections 7, 7A, 8 & 13 of the Prevention of Corruption Act, 1988 (for short 'PC Act') added later on), registered at Police Station HTM Hisar, Tehsil and District Hisar.

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2. The gravamen of allegations against the petitioner is that complainant, namely, Satbir Saharan, alleged that he and his daughter had purchased shares in *The Vikas Marg Welfare Society*, Mirzapur Chowk, Hisar. Against those shares, Plot No.35 and Plot No.36 were allotted to them. However, it is alleged that the petitioner, in conspiracy with the co-accused, illegally occupied the plots belonging to the complainant and his daughter. It is further alleged that the petitioner and the co-accused forged multiple documents, including assessment records pertaining to the said plots. The allegations also indicate that these land mafias have developed a nexus with senior police officials, including the petitioner, as well as officials of the Municipal Corporation, Hisar. It is claimed that ownership documents of numerous properties in Hisar and nearby areas have been fabricated. A recent news report published in a local newspaper also stated that these land mafias, with the assistance of senior police officials such as co-accused Pardeep, had forged ownership documents for more than a hundred properties in Hisar and adjoining regions. The complainant further alleged that he and his daughter are now being prevented from visiting their plots, and that the accused persons have begun demanding extortion money from them in order to relinquish possession of the said plots.

3. Learned Senior counsel for the petitioner has argued that the petitioner is in custody since 06.08.2025. Learned Senior counsel has further argued that the petitioner has been falsely implicated into the FIR in question primarily on the basis of disclosure statement of co-accused, namely, Ramavtar Gujjar @ Ram Avtar, who has been extended the

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concession of regular bail earlier by this Court. Learned Senior counsel has further iterated that offence under the Prevention of Corruption Act is not made out against the petitioner and allegations thereof are against one Pardeep Yadav (DSP Haryana Police), who has also been extended concession of regular bail by this Court. Learned Senior counsel has also iterated that investigation into the FIR in question is complete and conclusion of trial will take long time. Learned Senior counsel has urged that the petitioner is a man with clean antecedents. 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 custody certificate dated 10.12.2025 in the Court today, 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 06.08.2025 whereinafter investigation was carried out and challan has been presented on 04.11.2025. Total 54 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will its own time. The rival contention 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

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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 10.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 months and 03 days, & is not shown to be involved in any other FIR(s).

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

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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

December 11, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No