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CRM-M-7776-2026 (O&M)

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2026.PIIHC.048750



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

**CRM-M-7776-2026 (O&M)
Date of decision: 24.03.2026**

KAPIL ALIAS KAPIL KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Pallavi Babbar, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.149 dated 27.06.2025 registered under Sections 406, 419, 420, 467, 468, 471, 120-B IPC at Mundkati, District Palwal.

2. Brief facts of the case of prosecution are that the petitioner in connivance with other co-accused had got impersonated original owner Mohan Singh with co-accused Nahar Singh and obtained ₹30,00,000/- from the complainant by executing a forged agreement to sell. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no role in the alleged offence. He submits that even as per the contents of FIR, the

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petitioner has not impersonated anyone. He further submits that the petitioner has entered into an agreement to sell qua his share of land and he is still ready to sell the land as per the agreement. He further submits that the present case is a civil dispute between the parties which has been given criminal colour by registering the present FIR only to exert pressure upon the petitioner. He further submits that the petitioner is in custody since 17.10.2025; the investigation in the present case is complete; chalan has been filed; charges have been framed and out of 14 prosecution witnesses, none has been examine till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner and also filed status report, which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She further submits that the petitioner is involved in multiple other FIRs, meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 5 months; investigation is complete; challan stands presented, charges framed; out of 14 prosecution witnesses none have been examined, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His

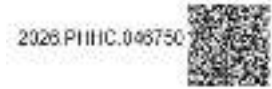


continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382***; in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."



9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

24.03.2026

Puneet....

i)

Whether speaking/reasoned?

Yes/No

ii)

Whether reportable?

Yes/No

(RUPINDERJIT CHAHAL)
JUDGE