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

CRM-M-15281-2026

Date of Decision: 25.03.2026

Date of Uploading: 25.03.2026

Mohammad Aslam

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gautam Dutt, Senior Advocate with
Mr. Himanshu Sharma, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (439 Cr.P.C.) for grant of regular bail to
the petitioner in case bearing FIR No.0147 dated 05.06.2025 registered for
the offences punishable under Sections 319, 318 (4), 338, 336 (3), 340, 61
of the BNS, 2023 (Sections 416, 420, 467, 468, 470, 120-B of IPC, 1860),
[later-on added Sections 61(2), 319(2) & 340(2) of the BNS, 2023
(Sections 120-B, 419, 471 of IPC, 1860)], at Police Station Faridabad
Kotwali, District Faridabad.

2. The gravamen of allegations against the petitioner are that
complainant Jatinder Singh Arora preferred a written complaint to the
SHO, Police Station Surajkund, against Gunjan Saxena, Anuragh Gupta,

Karamvir and others for committing criminal conspiracy, cheating and forgery by impersonation. The complainant alleged that he was owner in possession of an apartment in Faridabad and he had purchased the same by taking a home loan from Tata Capital Housing Finance Limited. He had deposited his original conveyance deed with the financier while availing the said housing loan and a charge was also created upon it. On 11.04.2025, the complainant came to know through Sunder Mishra that a sale deed is executed in favour of Gunjan Saxena in respect to the said apartment and Sunder Mishra had also sent copy of a sale deed bearing Vasika No.3416 dated 07.08.2024 to him on his *WhatsApp* number. Then, the complainant came to know that the said apartment is sold to Gunjan Saxena by fraudulently impersonating him. The complainant alleged that he neither executed sale deed bearing Vasika No.3416 dated 07.08.2024 nor received any sale consideration from any person. He further alleged that the said sale deed does not bear his signatures and it was executed and registered by impersonating him. He also alleged that he never met Gunjan Saxena at any point of time. He further alleged that Karamvir and Chander Shekhar Bainsla had prepared a forged and fabricated rent agreement in respect to the said apartment. Regarding the forged and fabricated rent agreement, an FIR No.317 dated 18.05.2024, under Sections 120-B, 420, 467, 468, 471 and 506 of IPC was registered against Karamvir and Chander Sekhar Bainsla. Karamvir had filed a civil suit in the District Court at Faridabad and a settlement took place in the said civil suit on 01.04.2025 vide which Karamvir and Chander Sekhar Bainsla handed over possession

of the said apartment to him on 01.04.2025 and he was not in possession of the disputed property on 07.08.2024. The complainant further alleged that Karambir prepared impugned forged sale deed bearing Vasika No.3416 dated 07.08.2024 in collusion with Gunjan Saxena and others. He also came to know that she has obtained a loan on the disputed property on the basis of said impugned forged and fabricated sale deed. On the basis of said complaint, the police registered the present FIR and during the course of investigation, the petitioner was arrested in the case.

3. Learned Senior counsel for the petitioner has submitted that the petitioner is in custody since 03.12.2025. Learned Senior counsel has further submitted that the petitioner has falsely been implicated into the FIR in question. Learned Senior counsel has further submitted that assuming *arguendo*, the prosecution version is taken to be correct, the maximum role ascribed to the petitioner is of taking the concerned persons to the office of Registrar for having the sale deed executed and registered. Learned Senior counsel has further submitted that the Challan, on culmination of investigation, already stands presented and it will take long for the trial to get over. Learned Senior counsel has submitted that there is no material available on record to reflect that the petitioner is in a position to influence the witnesses during the trial. 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, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated

23.03.2026 in the Court, which is taken on record.

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

6. Before delving into the rival contentions, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution.”

6.1. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

*“Where the granting of bail lies within the discretion of the **court**, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the **court**, the primary inquiry is whether a recognizance or bond would effect that end.”*

6.2. Furthermore, the Hon'ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

6.3. The petitioner was arrested on 03.12.2025 whereinafter investigation was carried out and Challan stands presented on 27.02.2026. Total 19 prosecution witnesses have been cited but none has been examined till date. Further, as per the said custody certificate the petitioner is stated to be involved in other case/FIR. 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 Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

6.4. The rival contentions raised by learned counsel 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.

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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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/Illaq 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 trial Court/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.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

March 25, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No