



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

222**CRM-M-16879-2026****Date of decision : 06.04.2026****Date of uploading : 06.04.2026****Kishanvir****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Rajesh Lamba, Advocate and
Mr. Abhinav Kaushik, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Gaurav Gupta, Advocate for the complainant.

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 FIR No.349 dated 10.09.2025 under Section 419, 420, 467, 468, 471, 120-B of the IPC, registered at Police Station Ballabgarh City, District Faridabad.

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

"To Commissioner of Police, Police Headquarters, Sector 21 C, Faridabad, Haryana. Subject: Application for legal action against the accused: 1- Kishanvir S/o Karan Singh, Aadhar Card No. (2107 0942 8271), R/o Fatehpur Bilanch, Faridabad, 2- Kusum Patri, Bhupendra D/o Kishanvir, 3-Bhupendra S/o Rajendra, R/o Village Mohla, Tehsil Ballabgarh, Faridabad. 4-Lalit Parashar S/o Ram Sharan Sharma 5. R.K. Rawat, Advocate, District and Sessions Court, Sector- 12, Faridabad, Mobile No. 8810506605, 9050673710, Lalit No. 9891717258 Sir, It is requested that I, applicant Omkar, am son of Shri Karan Singh, resident of village Fatehpur Billoch, Faridabad, Haryana and I support myself and my family by doing hard labour and I have studied till 5th class. Sir, on 25.09.1981, we six brothers had purchased land situated in agricultural



land of Village Fatehpur Billoch, Faridabad, Mu. No. 55, Killa No. 19/2, area 4 Kanal 17 Marla, 13/1, 11 area 8 Kanal, 12/1 area 7 Kanal 9 Marla, thus total area 20 Kanal 6 Marla in equal shares from Satyanarayan, Kishan Gopal sons of Ram Nath and Ganpati Prasad son of Shivdutt and since then we have been living in the above mentioned area by building our houses. Ganpati Prasad after selling the aforementioned land, had given all six of us brothers possession of the land according to our respective shares. I then learnt that Ganpati Prasad's share in the land is measuring 10 kanal 1 Marla which was purchased by us six brothers in equal shares. Kishanvir son of Karan Singh Aadhar Card No. (2107 0942 8271) by making a fake Aadhar card of Ganpati Prasad and posing as Ganpati Prasad himself in the tehsil, transferred the sale deed of the said land measuring 10 kanal 1 Marla in the name of his own daughter Kusum, wife of Bhupendra, daughter of Kishanvir, resident of village Mohla, Faridabad vide deed no. 1585 dated 12.06.2024 registered in the office of Sub Registrar Ballabgarh. Bhupender, the accused in the said sale deed, conspired with each other and got the said sale deed executed. While he knew very well that the person who had executed the sale deed was his father-in-law and R K Rawat had prepared the said fake sale deed and identified the seller. Lalit Parashar son of Ramkaran, had got the GPA done but despite that, he got it cancelled without any force. Sir, the above five accused, in collusion and conspiracy among themselves, got the above sale deed executed with the intention of usurping our land. The value of the above land is approximately Rs 4 crore. Therefore, I request to take strict legal action against the above accused and I, applicant, should be given justice. It will be your great kindness. Date: 08.08.2025, SD/-OMKAR SINGH Applicant Omkar son of Shri Karan Singh resident of village Fatehpur Billoch Faridabad, Haryana Mobile No.-9654202697. A complaint No.- 5133/CC/P dated 06.08.2025 of Omkar, after verification by Incharge (Inspector Hukum Singh) Economic Offences Branch Ballabgarh, Zone Faridabad and permission from Mr. Assistant Commissioner of Police Economic Offences Branch District Faridabad was received in Police Station upon which FIR No. 349 dated 10.09.2025 under sections 419,419, 420,467,468,471, 120-B IPC was registered at City Police Station Ballabhgarh and the copies of FIR will be prepared by computer as per rules and sent to Area Magistrate and senior officers by post. The original complaint along with the duplicate copy for further investigation is being sent to EOW CELL for further action.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.11.2025. Learned counsel has further argued that the petitioner is a 65-year-old man. Learned counsel has further submitted that the FIR in question emanates primarily from a civil/property dispute. Learned counsel has further iterated that, upon culmination of the investigation, the challan already stands filed and the conclusion of the trial will take time. Thus, regular bail is prayed for.

4. Learned State/complainant counsel has opposed the present petition by arguing that the allegations raised 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 03.04.2026 in Court, which is taken on record.

5. I have heard learned counsel for the rival parties and perused the record. Before delving into the matter in hand, 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."

5.1. 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."*

5.2. 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. The petitioner was arrested on 14.11.2025, wherein after investigation was carried out and challan stands presented on 29.01.2026. Total 13 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. 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.

6.1 As per custody certificate dated 03.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 20 days & is not shown to be involved in any other case.

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 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

06.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No