

CRM-M-18831-2026

2026:PHHC:077348



116
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-18831-2026

Gurmeet
.....Petitioner
versus
State of Haryana
...Respondent

Date of decision: May 18, 2026
Date of Uploading: May 18, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Ravi Kant, Advocate,
Mr. Himanshu Sharma, Advocate and
Mr. Aftab Hasan, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Subhash Godara, Advocate and
Mr. Aman Godara, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 seeking 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 61(2), 319(2), 340(2) of BNS added later on) (Section 238 of the BNS inadvertently mentioned in the impugned order dated 26.02.2026), at Police Station Faridabad Kotwali, District Faridabad.

2. The gravamen of the allegations in the FIR in question is that complainant, namely, Jatinder Singh Arora alleged that on 11.04.2025, he came to know through one Sunder Mishra that a sale deed had been executed in favour of Gunjan Saxena in respect of the disputed property. Sunder Mishra allegedly

CRM-M-18831-2026

forwarded a copy of sale deed bearing Vasika No.3416 dated 07.08.2024 on his WhatsApp number. Upon examining the said document, the complainant discovered that the disputed property had been sold to Gunjan Saxena by fraudulently impersonating him.

It was specifically alleged that he had neither executed the sale deed bearing Vasika No.3416 dated 07.08.2024 nor received any sale consideration from any person. He further stated that the impugned sale deed did not bear his signatures and had been executed and registered by impersonating him. The complainant also asserted that he had never met Gunjan Saxena at any point of time.

The complainant further alleged that Karamvir and Chander Shekhar Bainsla had prepared a forged and fabricated rent agreement with respect to the disputed property. In relation thereto, FIR No.317 dated 18.05.2024, under Sections 120-B, 420, 467, 468, 471 and 506 IPC had already been registered against Karamvir and Chander Shekhar Bainsla. It was further stated that Karamvir had instituted a civil suit before the District Court, Faridabad, wherein a settlement was arrived at on 01.04.2025, pursuant to which Karamvir and Chander Shekhar Bainsla handed over possession of the disputed property to the complainant on the same date. According to the complainant, he was not in possession of the disputed property on 07.08.2024.

The complainant alleged that Karamvir, in collusion with Gunjan Saxena and others, prepared the forged sale deed bearing Vasika No.3416 dated 07.08.2024. He further came to know that a loan had also been obtained on the basis of the said forged and fabricated sale deed.

By way of the said complaint, the complainant prayed for appropriate legal action against the accused persons. On the basis of the complaint, the police registered an FIR under Sections 61(2), 318(4), 319(2), 336(3), 338 and

CRM-M-18831-2026

340(2) of the Bharatiya Nyaya Sanhita (BNS). During the course of investigation, accused Gurmeet (*petitioner herein*) was arrested on 06.02.2026.

3. Learned senior counsel for the petitioner has argued that the petitioner was arrested on 06.02.2026. Learned senior counsel has submitted that the petitioner has been falsely implicated into the FIR in question. Learned senior counsel has further argued that FIR in question has property/ civil related dispute. Learned senior counsel further submitted that beneficiary of the alleged crime in question, namely, Gunjan Saxena, has been afforded concession of regular bail by this Court. Learned counsel has argued that investigation *qua* FIR in question is already complete and challan has been presented against the petitioner. Thus, regular bail is prayed for.

4. Raising submissions in tandem with compliance report by way of an affidavit dated 06.05.2026 (filed in the Court today and the same is taken on record) and status report by way of an affidavit dated 23.04.2026 (already on record), learned State 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 15.05.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of petition in hand by arguing that there are direct/ serious allegations against the petitioner. In case, the petitioner is released on regular bail, there is all the likelihood that the petitioner may flee from the process of justice as also interfere/ intimidate the prosecution witnesses. Learned counsel has urged that the petitioner is a member of an unorganized syndicate, which is duping innocent persons. On the strength of these submissions, dismissal of the petition in hand is entreated for.

CRM-M-18831-2026

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

Before delving into the matter further, it would be germane to refer herein the case law governing the issue in hand:

5.1 **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.”

CRM-M-18831-2026

5.2. 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.”

5.3 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 unconvicted 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 06.02.2026, whereinafter, investigation was carried out and challan *qua* the petitioner stands presented on 29.04.2026. Total 30 prosecution witnesses have been cited, out of which, none has been examined till date as the charges are yet to be framed. Further, as per prosecution version available at this juncture, the trial emanates from the FIR in question is magisterial one. The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival

CRM-M-18831-2026

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 15.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 10 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, if not required in any other case, 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 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. The petitioner, in addition to the aforesaid conditions, shall be required to furnish either FIR or Bank Guarantee or Cash surety to the tune of Rs.1,00,000/- in favour of the Court releasing him on bail. In case, the petitioner absents himself from trial without any reason, concerned Court will be at liberty to forfeit the aforesaid amount.

CRM-M-18831-2026

9. 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.
10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 18, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No