



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115+236

CRM-M-24346-2025

RAHUL SARKAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CRM-M-37832-2025 (O&M)

SOMNATH PRAJAPATI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

Decided on : 22.01.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. D.S. Matya, Advocate, and
Ms. Gagandeep Kaur, Advocate,
for the petitioner (in CRM-M-24346-2025), and
Mr. Shreenath A. Khemka, Advocate,
for the petitioner (in CRM-M-37832-2025).

Mr. Aditya Pal Singla, AAG, Haryana.

SANJAY VASHISTH, J.

1. By this common order, both the aforementioned petitions,
i.e. CRM-M-24346-2025 and CRM-M-37832-2025 shall stand disposed
of.

2. The instant petitions have been filed under Section 483 of
BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the
petitioners, during the pendency of trial, who have been booked in a



criminal case arising out of First Information Report, as detailed hereunder:-

FIR No.	Date	Section(s)	Police Station	District
166	07.06.2024	419, 420, 467, 468, 471, 120-B of IPC and Section 12(1) of Passport Act	City Jhajjar	Jhajjar

2. Learned counsel for the petitioners contend that, as per the allegations contained in the FIR, one Akshay, son of Hariom, a known criminal, succeeded in fleeing from the country on the basis of a forged passport bearing No.W0747717, purportedly issued on 01.06.2022 and valid till 31.05.2032, showing the place of issuance as Delhi. The said passport was allegedly issued on the false identity of one Rohit Gupta, resident of Delhi, who has been cited as a prosecution witness in the present case.

It is further submitted that during the course of investigation, it was alleged that both the petitioners had prepared forged documents. Accused-petitioner Somnath Prajapati was working at a CSC Centre, having proprietorship of one co-accused, namely Navneet.

3. Counsel further submits that petitioner-Somnath Prajapati is in judicial custody since 01.05.2025, whereas petitioner-Rahul Sarkar is in custody since 19.01.2025. Initially, FIR was registered under Sections 120-B and 420 IPC and Section 12(1) of the Passports Act, 1967. However, upon completion of investigation, final report has been submitted against both the petitioners for the offences under Sections



419, 467, 468 and 471 IPC. All the said offences are triable by the Court of learned Magistrate.

It is further argued that final report has already been filed; however, charges are yet to be framed. Out of total 24 prosecution witnesses, none has been examined, till date. Consequently, trial has not even commenced and is likely to take a considerable time for its conclusion.

4. Learned counsel also submits that nothing incriminating has been recovered from the possession of the petitioners, except certain documents, which are yet to be proved by the prosecution during the course of trial. Therefore, at this stage, involvement of the petitioners in the alleged preparation of forged documents or in facilitating the escape of accused Akshay from the country cannot be presumed to be established on the face of record. Thus, counsel jointly prays for grant of regular bail to the petitioners in the present case.

5. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 20.01.2026 of petitioner – Rahul Sarkar in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner – Rahul Sarkar has already undergone 11 months and 29 days period inside jail.



6. Learned State counsel is unable to dispute any of the factual assertion as stated by counsel for the petitioners today before this Court, including the total incarceration period already undergone by both of them. However, he prays for dismissal of the present petitions.

7. This Court has heard the submissions addressed by learned counsel for the parties and has perused the record available before it.

8. Although, both the petitioners are stated to be involved in other criminal cases as well, they have not been held guilty therein, and their indefinite incarceration cannot be justified on that ground alone. Further, nothing incriminating has been recovered from the possession of the petitioners except certain documents, which are yet to be proved by the prosecution during the course of trial. Trial in the present case is also likely to take a considerable time for its conclusion.

9. In view of totality of the circumstances, nature of the facts and allegations levelled against the petitioners, period of incarceration already undergone by them, and the factors noticed here above, this Court deems it appropriate to grant the concession of regular bail to the petitioners.

10. Consequently, prayer made in both the present petitions is **allowed**. Petitioners namely Rahul Sarkar and Somnath Prajapati are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



11. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.
13. Both the present petitions stand disposed of.
14. A photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

22.01.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO