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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

306

CRM-M-62687-2025

Date of decision: 27th January, 2026

Kishore Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 101 dated 12.04.2022 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Civil Lines, Amritsar. His previous petition bearing CRM-M-26823-2025 had been dismissed as withdrawn vide order dated 21.08.2025.

2. The allegations against the petitioner are that he, in connivance with the co-accused, got prepared and registered a forged power of attorney in respect of land owned by the complainant Pradeep Kumar, by impersonating him, and on the basis of the said power of attorney, executed a sale deed in respect of the said property and sold it further, thereby causing

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wrongful loss to the complainant and committing offences of cheating, forgery, and use of forged documents. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 01.03.2025. Some co-accused were also arrested. The investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case. He is in custody since 01.03.2025. The trial will take considerable time to conclude, as none out of 15 prosecution witnesses, has been examined so far. It is further contended that the dispute between the parties is of a civil nature and that a civil suit has already been filed by the complainant, which is pending adjudication.

4. It is further submitted that the petitioner is an old person, having clean antecedents. Two co-accused have already been extended the benefit of bail. His continued incarceration is not going to serve any useful purpose. Each day spent by him in custody furnishes a fresh ground for seeking the concession of bail. It is, thus, argued that the petitioner deserves to be released on bail.

5. Status report and custody certificate have been filed. Learned State counsel has argued that, taking into consideration the serious nature of the allegations levelled against the petitioner, he does not deserve the concession of bail.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is in custody since 01.03.2025. The subject offences are triable by a Magistrate. The case is based on documentary

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evidence. The trial will obviously take time to conclude, as no prosecution witness has been examined so far. The petitioner is not required for further investigation. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Taking into consideration the above discussed facts and the period spent by the petitioner in custody and the likelihood of the trial taking considerable time to conclude but without meaning to make any comment upon the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th January, 2026

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No