

2026.PHHC.022150



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-68491-2025

Date of decision: 12th February, 2026

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Aditya Pal Singla, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been 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. 194 dated 28.07.2025 registered under Sections 319(2), 336(2), 336(3), 338, 340 and 61 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Sector 12, Faridabad, District Faridabad.

2. As per the allegations, the petitioner was in custody in connection with case bearing FIR No. 170 dated 07.04.2023, registered under Sections 302 and 201 read with Section 34 of IPC at Police Station Dabua, Faridabad. He was extended benefit of bail. Two sureties bonds were to be furnished. The same were furnished by two persons namely Yatender Kumar and Shahid. Both of them were identified by one Satbir s/o Balbir Singh, resident of Faridabad and those surety bonds were accepted on 30.11.2024 by the

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concerned court. On 08.01.2025, Yatender Kumar appeared before the concerned Court and informed that he had not stood surety for the present petitioner and had moved an application for taking action against the person who had impersonated him. It was also revealed that the person who had furnished surety bonds in the name of Shahid as well as the identifier were also impostors. In pursuance of the orders passed by the concerned Court, the aforementioned FIR was registered. The petitioner was arrested in this case on 02.08.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been wrongly implicated in this case. He was in custody at the time when sureties were arranged by his relatives and surety bonds were furnished by them in the Court. He had no knowledge that the persons who stood as sureties/identifier were imposters. The ingredients for commission of subject offences are not attracted qua him. The subject offences are triable by Magistrate. He has not misused the concession of bail granted to him in that case. He is in custody since long. His further incarceration would not serve any useful purpose. Trial will take considerable time to conclude. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner as in connivance with him, the co-accused had impersonated themselves on the basis of some false and fabricated documents and stood as sureties to ensure his release on bail. He has criminal antecedents. There are chances of his absconding or committing similar

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offences, if extended benefit of bail. It is, therefore, argued that the petitioner does not deserve to be released on bail.

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

6. The petitioner is in custody in this case since 02.08.2025. He is not required for further investigation. His continued detention would not serve any fruitful purpose. It is well settled proposition of law that bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentencing. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case but without meaning to make any comment upon the merits thereof, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, 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 learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

12th February, 2026

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