

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:025549



226

CRM-M-71217-2025 (O&M)
Date of decision: 18.02.2026

Shiv Kumar @ Shivam

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Archit Kaushik, Advocate,
Mr. Shashank Shekhar Jha, Advocate and
Mr. Mukesh Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (for short "BNSS") for grant of regular bail to him in case arising out of FIR No.229, dated 21.04.2024, registered under Sections 420, 467, 468, 471, 120-B IPC, at Police Station Faridabad Kotwali, District Faridabad.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant – Renu Devi, alleging therein that she had borrowed some money from accused Nipun Gurjar for the purpose of treatment of her ailing husband. In lieu thereof, accused Nipun Gurjar had told her to execute some agreement as a proof that he had given money to be

payable on interest to her. On the pretext of executing such agreement, accused Nipun Gurjar took her to the Tehsil Office of Badkhal and got registered a sale deed qua the house owned by her in his favour. Sometime thereafter, he started pressuring her to hand over possession of the house of the complainant to him. He also extended threats in the name of one criminal Amit Badana to her. She further alleged that thereafter he also forcibly procured her signatures on some documents, installed a CCTV camera inside her house and virtually monitored her activities in her house. He had also been extending threats to kill her and was criminally intimidating her family and herself.

3. After registration of the FIR, investigation proceedings were initiated. It was revealed that accused Nipun Gurjar had got registered a sale deed qua the house of the complainant in his favour on 29.05.2023 by showing the sale consideration amount payable to her as Rs.4 lakhs. He also filed a civil suit seeking possession of the property of the complainant on the basis of the said sale deed. Some documents which were relied upon by him and were in dispute as well as the sale deed, had been taken into possession by the Investigating Officer. Specimen signatures and handwriting sample of the petitioner who was the scribe of the sale deed had been obtained and it was revealed that his handwriting matched with the disputed documents and the questioned writings on the sale deed in question, thereby indicating his involvement in the offence. Accused Nipun Gurjar was arrested on 28.07.2025. Present petitioner was arrested on 29.07.2025. On interrogation, he suffered disclosure statement to the effect that in connivance with the co-accused Nipun Gurjar, he had tampered with the figures of amount of money

as mentioned in sale deed and in lieu thereof, accused Nipun Gurjar had given a sum of Rs.20,000/- to him. Investigation qua the petitioner stands completed.

4. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was not named in the FIR. The allegations against him are that on the asking of co-accused Nipun Gurjar, he had tampered with the contents of the sale deed registered in favour of the petitioner qua the property of the complainant and had derived wrongful gain from the said transaction. It is further argued that his role is limited to making/adding some numerical figures on the sale deed. Infact he is not writer of those figures. There is no money trail to connect him with the subject offence. He had been arrested in this case 14 months after registration of the FIR. Investigation qua him stands completed and even challan also stands presented. Further detention of the petitioner would not serve any useful purpose. The offences for which he has been booked, are triable by Magistrate. He does not have any criminal antecedents. He is a youth of 23 years of age and was working as an Assistant of a deed writer. He has no role to play in the entire transaction. It is, therefore, urged that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by the respondent-State. Learned State counsel has argued that the petitioner had played a specific and active role in commission of the subject offences by hatching a conspiracy with the co-accused and by tampering with the entries in the sale deed, which was got prepared from the complainant by deceiving her and by causing wrongful loss to her. As per RFSL report, the

handwriting on the sale deed has matched with the handwriting of the petitioner, thereby connecting him with this offence. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. It is, thus, stressed that he does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with the co-accused is alleged to have hatched a conspiracy to commit offence of cheating with the complainant and in pursuance of the same, he had tampered with the entries made in the sale deed got prepared from the complainant by co-accused Nipun Gurjar obviously to help him and to facilitate the commission of offence of cheating and fraud with the victim. Though, the allegations make out a *prima facie* case for commission of the subject offences as against the petitioner, however, now the petitioner is in continued detention for a period of more than 06 months. The subject offences are triable by the Magistrate. Trial will obviously take time to conclude as not even a single witness has been examined so far. No useful purpose would be served by keeping the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception and 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 punitive or preventive.

8. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be

released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

18.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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