

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13172-2025 (O&M)

Reserved on: 07.07.2025

Pronounced on: 15.07.2025

Vijay Kumar alias Vijay Pal Kumar

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Satyam Khichi, Advocate
for the petitioner(s).

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. Vishal Rattan Lamba, Advocate
for the complainant.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
0036	24.10.2024	Punjab State Crime Police Nagar Station, SAS Nagar	419, 420, 465, 467, 468, 471, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In para 16 of the bail petition, accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That the brief facts of the present case are that the complainant Hardyal Kaur has 196 kanals of land, apart from other land share, situated in Village Gujjar District Faridkot. The accused namely Rinku wife of Vishal and daughter of Balvir Singh hatched a conspiracy to impersonate as Hardyal Kaur with other co-accused(s) and prepared a false General Power of Attorney in the favour of co-accused Parampal Singh son of Balvir Singh. The accused/petitioner Vijay Kumar (numberdar) son of Munshi Ram and Devinderpal Singh son of Pritpal Singh signed on the false General Power of Attorney as witnesses verifying the fact that

Rinku was Hardyal Kaur. The co-accused Parampal Singh further sold the above mentioned land to the accused Balvir Singh son of Darshan Singh and co-accused Safdarpal Singh and Navjinder Singh through 06 sale deeds, registered on 24.07.2024.”

4. The petitioner's counsel prays for bail contending that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family and he further undertakes that during the period of bail, he shall not commit any offence and in case he commits any offence in which the sentence provided is more than seven years, the State shall be at liberty file an application for cancellation of his bail, to which he will not raise any objection. He also has no objection to imposing any stringent conditions.

5. Vide order dated 07.07.2025, counsel for the petitioner has undertaken on behalf of the petitioner, that in case of grant of bail to him, he shall not work as a Numberdar in any case whatsoever till the pendency of the present FIR.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“C. **The role of the petitioner**

8. That in this case, one forged GPA of Hardyal Kaur wife of late Rajinder Singh has been prepared by Impersonating as Hardyal Kaur. Whereas, the actual Hardyal Kaur wife of late Rajinder Singh is aged about 80 years and is resident of Village Mumara, Tehsil and District Faridkot. One lady namely Rinku wife of Vishal, impersonated as Hardyal Kaur wife of late Rajinder Singh and got registered General Power of Attorney on 20.05.2024 in respect of 192 kanal land situated at Village Gujjar, Tehsil Sadiq, District Faridkot before Sub Registrar, Ferozpur in favour of Parampal Singh son of Balvir Singh and the said Rinku was falsely Identified as Hardial Kaur by the petitioner and second attesting witness/accused Davinderpal Singh. On the basis of forged and fabricated GPA, Parampal Singh got registered sale deed dated 24.07.2024 in favour of Safdarpal Singh, Navjinder Singh and Balvir Singh regarding aforesaid 192 kanal land situated at Village Gujjar, Tehsil Sadiq, District Faridkot before Sub Registrar, Ferozpur and thereby, defrauded complainant i.e. actual Hardyal kaur wife of late Rajinder Singh by preparing false and fabricated GPA regarding her 192 kanal land. All the accused had conspired and colluded while hatching a deep rooted criminal conspiracy in order to grab the land of complainant Hardyal Kaur and thereby, prepared false and fabricated documents i.e. Aadhar Card as well as GPA dated 20.05.2024.”

REASONING:

8. Due to identification of wrong person, all the controversy has arisen. There is sufficient *prima facie* evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 12.5.2025, the petitioner's total custody in this FIR is 4½ months, which as of now is more than six months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the *prima facie* analysis of the nature of allegations, undertaking of the petitioner to resign from the post of Numberdar and the other factors peculiar to this case, there would be no justifiability further pre-trial

incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. Without commenting on the case's merits, given the undertaking made on behalf of the petitioner and the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense or resiles from the statement made on his behalf that he shall not act as a Numberdar till the pendency of the present FIR, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may

download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

15.07-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO