



CRM-M-28151-2025

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125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28151-2025

Date of decision: 21.05.2025

YASH PAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjay Verma, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
63	16.02.2022	Sector-17 Huda, Jagadhri, Yamunanagar (Haryana)	471/468/467/420/ 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 9 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken the order dated 16.05.2025 passed by the Sessions Judge, Yamuna Nagar which reads as under:-

"xxx xxx xxx xxx

3. The allegations against the petitioner, as contained in the said FIR and its consequent proceedings, are that a Sessions Case No. 226 of 2010 titled as 'State Vs. Mahabir Singh @ Golu etc.' was pending decision in the court of Sh. Jagdeep Singh, the then learned Additional Sessions Judge, Jagadhri on 16.12.2021; that on the said date and/or prior thereto, one Rishipal son of Sh. Genda Ram, resident of village Topra Khurd, Tehsil Radaur, District Yamuna Nagar, appeared as surety of the said Mahavir Singh @ Golu in the said case and furnished copy of his Aadhar card and documents of his property in support of his soundness to appear as such surety; that thereafter, the said case was adjourned to 2.2.2022 but in between, the said Rishi Pal son of Genda Ram appeared inn the said case and made a statement before the concerned court that he never stood surety in the case on behalf of the said Mahabir Singh @ Golu: that after recording his statement, the said court made preliminary verification and then ultimately,



vide order dated 14.1.2022, sent the matter for registration of a case in respect of the said aspect/s; that in the statement recorded before the said court, the said Rishi Pal also stated that the said surety bond furnished before the court did not contain his signatures and copy of Aadhar card submitted at the time of furnishing the said surety bond also did not belong to him; that on the basis of an intimation of the said court, the captioned FIR was registered; that the matter was investigated and during investigation, the co-accused Baldev Singh was arrested in the said case on 11.4.2022; that during investigation, he disclosed that the co-accused Sachin impersonated the said Rishipal as surety of the said Mahabir Singh @ Golu whereas the said Baldev had identified the said Sachin in the court; that on 13.6.2022, the co-accused Sachin was arrested in the present case; that in his disclosure statement to the police, he stated that the above stated copies of Aadhar card etc. were prepared by the co-accused Anirudh @ Happy in criminal conspiracy/collusion with the petitioner Yashpal and it was at the instance of the petitioner and the said Baldev that he stood as surety of the said Mahabir Singh @ Golu; that the said Anirudh @ Happy has expired on 16.8.2023; and that the final report against the co-accused Baldev and sup, elementary report against the co-accused Sachin have already been presented before the court concerned and 21 they are facing trial in the said matter. Apprehending his arrest in the said FIR, the petitioner is for anticipatory bail."

4. Counsel for the petitioner submits that the petitioner has no connection with the co-accused and even had no knowledge about the fraud. The petitioner has been nominated as an accused in the present case only on the basis of disclosure statement and the same is inadmissible and is not a piece of evidence. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail on instructions.

REASONING:

6. The petitioner was arraigned as an accused based on the disclosure statement of the co-accused. No other evidence is collected at this stage to connect the petitioner with the co-accused. Thus, there is no justification to deny bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

7. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no



justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in 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.

8. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

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

10. 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)	

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

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.



14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, 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.

21.05.2025
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(ANOOP CHITKARA)
JUDGE

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