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AT CHANDIGARH**

**CRM-M-31067-2025  
Date of decision: 03.07.2025**

**NARESH**

**...PETITIONER**

**V/S**

**STATE OF HARYANA**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. This is the first petition filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.9 dated 07.01.2025, registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Civil Lines, Hisar District Hisar (Annexure P-1).

2. Brief facts of the case are that on 18.12.2024, an order bearing CIS No.SC/271/2023 titled as State of Haryana vs. Ajay @ Ajju etc. was received from the Court of learned Additional Sessions Judge, Hisar. As per the contents of order, accused Ravi had furnished bail bonds and surety bonds, wherein surety was Arjun son of Pali, who had furnished his Aadhar Card along with *Jamabandi*. Ravi jumped bail and thereafter, notice to his surety was issued. On that day, some different person by the name of Arjun son of Pali appeared before the Court and moved an application revealing therein that Rajesh Kumar son of Lakhi, resident of Uklana had stood surety for Ravi and he had produced forged Aadhar Card, wherein he had mentioned his



name as Arjun son of Pali Ram. He also furnished the *Jamabandi* of land which belonged to real Arjun son of Pali. After receiving this application, the Court ordered to lodge an FIR and accordingly, FIR was registered. Investigation ensued and during investigation, police collected all the documents like bail application, *vakalatnama*, surety bonds, copy of *jamabandi*. Arjun son of Pali Ram and his identifier Naresh Kumar (petitioner herein) son of Parbhati Ram were joined in the investigation. During investigation, it was discovered that Ravi *alias* Ravi Kumar was in custody in FIR No.113/2023 under Sections 147, 323,332,353,307 of IPC and in order to get him released on bail, Vinod son of Prithvi prepared the forged Aadhar Card of Arjun son of Pali Ram resident of Uklana and affixed the photo of Rajesh son of Lakhi Ram. The *Jamabandi* of Arjun son of Pali Ram was got issued and Rajesh presented a fake surety in the Court on 31.1.2023 as Arjun. Arjun was identified by petitioner-Naresh Kumar, who had faked the ID card issued by the Department of Panchayat Development. Accordingly, on 14.01.2025, Vinod son of Prithvi, Rajesh *alias* Raja, Jitender *alias* Chhala, Naresh son of Parbhati were arrested. On 16.01.2025, Ravi son of Surender was also arrested.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and there is no evidence to connect the petitioner with the alleged crime. He further contends that as per the case set up by the prosecution, the allegations against the petitioner are that he identified Rajesh as Arjun to enable him to furnish fake bail bonds of accused Ravi. Furthermore, there is no corroborative material either forensic or otherwise to establish the fact that the petitioner has indulged into any forgery.



Learned counsel submits that co-accused Rajesh approached the petitioner to identify him, being his co-villager and the petitioner was never aware of the fact that the co-accused is impersonating some other person. Moreover, the case of the prosecution is based upon documentary evidence. The petitioner is behind the bars for the last six months and the investigation is complete.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that the complicity of the petitioner is duly established. Further, the allegation against the petitioner is very serious and his act and conduct directly impacts the administration of justice. As such, the petitioner is not entitled to any relief. Furthermore, the petitioner is involved in one more case. However, learned State counsel could not controvert the fact that the offences, under which, the FIR (*supra*) is registered are triable by the Magistrate and out of total 11 prosecution witnesses, not even a single witness has been examined till date.

5. A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

*“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a*



*vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”*

6. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 17.01.2025, as per his custody certificate. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Out of total 11 witnesses cited by the prosecution, none has been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention, without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

7. Keeping in view the law laid down by the Hon'ble Supreme Court of India in ***“Prabhakar Tewari vs. State of U.P. and another”*** 2020 (1) R.C.R. (Criminal 831) and ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, 2012 (2) SCC 382, the involvement of the petitioner in other cases, would not be a ground to refuse grant of concession of regular bail.

8. In view of the above facts and circumstances, the present petition is allowed. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the petitioner-Naresh is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.



9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

**July 03, 2025**  
*manisha*

**(HARPREET SINGH BRAR)**  
**JUDGE**

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|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |