



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

CRM-M-10814-2026

Date of decision: 11.05.2026

NIVPAL SINGH ALIAS TIGER

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. L.S. Lakhanpal, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.0528 dated 10.12.2021, registered under Sections 420, 467, 468, 471 of IPC, at Police Station Baldev Nagar, District Ambala.

2. Brief facts as per the prosecution case, are that the petitioner illegally obtained a new passport from Regional Passport Office, Chandigarh on the basis of forged documents to take Asylum in Austria. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that there is not even an iota of evidence against him that he had forged any document to obtain passport. Learned counsel submits that co-accused Ram Kumar Walia, to whom allegations of forgery are attributed



has already been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 20.04.2023, passed in *CRM-M-13817-2023* and the aforesaid order was made absolute vide order dated 31.05.2023. The petitioner is in custody since 27.10.2025. The investigation in the case is complete, challan stands presented, charges have been framed and out of 18 prosecution witnesses only 01 has been examined. Learned counsel further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner. Status report has already been filed and she while relying on the same has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She further submits that there are multiple other cases registered against the petitioner meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has remained in custody for more than 11 months; co-accused has already been granted the concession of bail; the investigation is complete; challan stands presented, charges have been framed; out of 18 prosecution witnesses only 01 has been examined and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued 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.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty



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Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

9. All miscellaneous application(s), if any, stands disposed of accordingly.

11.05.2026

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(RUPINDERJIT CHAHAL)
JUDGE

i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No