



CRM-M-49621-2026 (O&M)

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

CNR No: PHHC011468222026

2026:PHHC:127209

**CRM-M-49621-2026 (O&M)****Date of Decision: 09.09.2026****ANIL KUMAR****... PETITIONER****VERSUS****STATE OF HARYANA****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Aditya Sanghi, Advocate with
Mr. Pradeep Bhardwaj, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. This is the first petition seeking regular bail under Section 483 of the BNSS, 2023 (U/s 439 Cr.P.C.) in FIR No. 363 dated 20.11.2024, registered under Sections 419, 420, 467, 468, 471 and 120-B IPC (corresponding Sections 319(2), 318(4), 338, 336(3), 340(2) & 61(2) of BNS, 2023), at Police Station Sector-56, Gurugram, District Gurugram.

2. The case of the prosecution is that the complainant purchased a plot measuring 907 square yards situated at Village Wazirabad, Gurugram from Randeep Raj through his GPA holder Rahul Paswan. An agreement to sell was executed on 10.04.2023 and the sale deed was registered on 03.01.2024. Subsequently, the complainant discovered that the GPA had allegedly been revoked on 08.09.2023 and that Randeep Raj had executed another sale deed in favour of co-accused Mohammad Salman on 23.10.2023. It is alleged that the accused persons, in conspiracy with each other, prepared forged documents, including a forged cancellation of GPA



and a forged sale deed, thereby cheating the complainant in respect of the same property.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner is in custody for the last 01 year, 02 months and 20 days. He, thus, prays for grant of bail to the petitioner as the trial is likely to take a long time because only 02 out of 19 cited prosecution witnesses have been examined so far.

4. Notice of motion.

5. Mr. Neeraj Sheoran, Sr. D.A.G., Haryana accepts notice on behalf of the State and has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. He has filed the custody certificate in the Court today and the same is taken on record. He submits that the petitioner is in custody for the last 01 year, 02 months and 20 days and out of total cited 19 prosecution witnesses, only 02 witnesses have been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the petitioner is in custody for the last 01 year, 02 months and 20 days; out of total cited 19 prosecution witnesses, only 02 witnesses have been examined so far; the conclusion of trial is likely to take time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, *'bail is the rule and jail is the exception'*.



8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing **Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025)**, decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that while on bail so granted through the instant order, if the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(H.S.GREWAL)
JUDGE

09.09.2026

Janki

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