

CNR No:PHHC010422212026

2026:PHHC:103522



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

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CRM-M No.14281 of 2026

Date of decision: 27.07.2026

Rahul Gabbu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Suraj Mandhan, Advocate and
Mr. Sahil Choudhary, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.444 dated 07.06.2025 registered under Sections 109(1), 121(1), 132 and 221 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") and Section 25(1-B) (a) of Arms Act, 1959 at Police Station Hisar Sadar, District Hisar. The previous petition bearing CRM-M-72328-2025 as filed by

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him, had been dismissed as withdrawn vide order dated 08.01.2026.

2. As per the allegations, on 07.06.2025, a secret information was received by the police to the effect that the present petitioner along with co-accused Aryan and three other youths all of whom were involved in committing offences of extortion and firing incident in Karnal, was roaming around in the area of Village Rawalwas and Shishwala on that day. It was also informed that they were in possession of huge quantity of illicit weapons and were intending to commit some crime and that they could be apprehended. Believing the secret information to be true, two raiding parties were formed which reached at the informed place and started making search for the petitioner and his accomplices. When they reached near Village Dhiranwas-Sarsana Minor Canal, one Swift Dezire car bearing registration No.HR-20AD-9811 was found standing on the pavement of the Minor. On noticing the police vehicles, the occupants of the car tried to flee. They were followed. Five youths alighted from the vehicle while making exhortation to fire at the police officials and thereafter two of them started firing shots with their respective weapons towards the police officials with an intent to kill them. They were warned to surrender but did not listen and continued firing. One bullet hit ASI Pardeep Kumar. However, he escaped due to wearing a bullet proof jacket. In self defence, shots were fired by the police officials on the leg of two of those youths, who had fallen down. The other three also fell

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down on the ground. They were apprehended. On asking, they disclosed their names as Aryan, Rahul@ Gabbu i.e. the petitioner, Ankit, Amit and Ved Parkash. Recovery of fire arms was effected from them. They were formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. A false recovery of weapons has been planted upon him and infact no recovery was effected from him. The co-accused have been extended benefit of bail. The principle of parity weighs in his favour. He himself suffered a firearm injury on his leg during the incident which shows that he was not the aggressor but was a victim of police firing. No specific act has been attributed to him. His implication on the basis of his mere presence at the spot does not attribute any motive or commission of any offence to him. His further incarceration would not serve any useful purpose. The trial will take considerable time to conclude. On account of his involvement in other cases, he cannot be denied benefit of bail. It is, therefore, argued that he deserves to be released on bail.

4. Per contra, learned State counsel while relying upon the status report has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

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6. The petitioner is alleged to have made an attempt to kill the police officials while they were tried to be apprehended by the former. He had also sustained a firearm injury in the incident. No firearm injury had been sustained by any of the police official. Though allegations make out a prima facie case for commission of subject offences as against the petitioner, however, he has undergone incarceration since 07.06.2025. The trial will take considerable time to conclude as no prosecution witness has been examined so far. Further detention of the petitioner is not going to serve the ends of justice. The well settled proposition of law is that pre trial incarceration of an accused should not be a replica of post conviction sentencing. Each day spent by the petitioner in custody has furnished a new ground to him to seek concession of bail and, therefore, this petition cannot be stated to be not maintainable. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes

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entitled to be released on bail. Taking into consideration the above discussed facts and on parity, it is observed that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.07.2026
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(MANISHA BATRA)
JUDGE

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