



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

226

**CRM-M-8725-2025
Decided on : 11.11.2025**

Nempal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Sandeep S.Majithia, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.659 dated 19.11.2024, registered under Sections 308(2), 308(6), 308(7) of BNS, 2023, at Police Station Old Industrial, District Panipat.

2. Brief facts of the case are that the present FIR was registered on the complaint filed by Subhash wherein it is alleged that a false FIR was registered against his nephew and for resolving the said matter, the petitioner extorted and received an amount of Rs.45,00,000/- from the complainant party and further demanded Rs.5,00,000/- from them.

3. Learned counsel for the petitioner contends that the petitioner is innocent and falsely implicated in the present FIR. Learned counsel further



contends that the petitioner has not demanded any amount from anyone. He further submitted that the petitioner is himself a victim as he was abducted, and firstly, money was handed over to him forcefully and later snatched from him. He is in custody since 20.11.2024. Nothing is to be recovered from him. The investigation has been completed; challan has been presented and the charges have been framed. Learned counsel further submits that out of 25 prosecution witnesses, none has been examined. He further submits that 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 be allowed.

4. On the other hand, learned State counsel has filed the custody certificate. The same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the offence committed by the petitioner is serious in nature. He further submits that if the petitioner is released on bail he may influence the witnesses or tamper with the evidence. He has further submitted that the petitioner is also involved in six other cases meaning thereby, he is an habitual offender

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

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last 11 months and 21 days; investigation is complete; challan stands presented, charges have also been framed, however, out of 25 witnesses, none has been examined and the trial is proceeding at a snail's pace, the trial may take a long time to conclude, hence, no useful purpose would be served by detaining him in further custody. 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. 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 his 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*".

8. As regards the submission of learned State counsel that petitioner is involved in other/another 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."

9. Without commenting on the merits of the case and keeping in view the aforesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail



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bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief
Judicial Magistrate, concerned.

10. All other pending applications, if any, are also disposed off,
accordingly.

11.11.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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