



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

243

CRM-M-12638-2025(O&M)
Date of Decision : March 11, 2025

DAYANAND

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Ms. Sharmila Sharma, Advocate for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J. (Oral)

(1) The petitioner has filed petition under Section 483 of BNSS seeking regular bail in case FIR No.69 dated 13.02.2022 under Sections 395/397/458 IPC and Section 25/54/59 of Arms Act, (Section 120B IPC added later on) registered at Police Station Sadar Sirsa.

(2) Facts as emerging in the FIR read as under:-

“To, The SHO PS Sadar Sirsa. It is submitted that I Rohit Gulati son of Ravinder Gulati is resident of Dera Bassi, Punjab, at present resident of Village Dhingtaniya Sirsa. I have been appointed as Care Taker at Sh. Nandi Milak Plant Dhingtaniya, Sirsa. The owner of this plant is Atul Kishore son of Jand Kishore resident of Delhi and Rakesh son of Dwarka Parshad resident of Suratgarhia Chowk Sirsa. Tonight I along with my helper Chandershekher son of Rajender Chaudhary resident of Motihari Bihar, presently resident of Dhingtaniya Sirsa Plant were sleeping in the rooms constructed near the plant. At about 1/1:15 midnight, 5 unknown assailants trespassed our house, who were armed with pistols. As soon as they entered our room, they started giving beatings to me and my

helper chandershekher. They tied both of us and inflicted multiple injuries. They also attacked my head with butt of the pistol. They were proclaiming to handover everything we were possessing. They damaged our belongings lying in our room and everything was scattered. While going they snatched my two phone marka Redmi 6 and Redmi 6 pro, in which SIMs were not yet inserted. They also snatched some mobile of my helper which was containing number 94652-60922. Some important documents lying in the almirah. The DVR installed in the room and my purse containing Rs.8,000/-. It is humbly prayed to your good self that stern legal action may be taken against unknown assailants.”

3. **Submissions of the petitioner**

Learned counsel for the petitioner contends that the petitioner has not committed any such offence and he has been falsely implicated on the basis of disclosure statement suffered by his co-accused, which has no evidentiary value in the eyes of law and he has not participated in the commission of crime. He further avers that the petitioner was arrested in the case on 28.3.2024 and since then he is in custody.

Stand of the State

4. Custody certificate dated 10.3.2025 has been filed by the learned State counsel, which is taken on record. He submits that later on during the course of investigation, complainant has identified the petitioner during identification parade and his mobile phone location was found in that vicinity. Learned State counsel further submits that the investigation qua the present petitioner is complete and challan against him has been presented on 26.6.2024 and there are 31 witnesses but no witness has been examined so far.

5. Having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already suffered sufficient period in custody and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that out of 31 prosecution witnesses, no witness has been examined so far and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “*Dataram Singh vs. State of Uttar Pradesh and another*”, (2018) 3 SCC 22”.

6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

March 11, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No