



CRM-M-15481 of 2025

-1-

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

221

CRM-M-15481 of 2025
Date of Decision: 24.09.2025

Gourav @ Gori

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, 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.63 dated 25.02.2023 registered under Sections 307 and 34 of IPC (Sections 186, 332, 353 IPC added later on) and Section 25 of the Arms Act, at Police Station Sadar Ambala, District Ambala.
2. Brief facts of the present case are that as per the prosecution, the petitioner along with co-accused had opened fire upon the police party when they were chasing the petitioner and co-accused.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner was not apprehended from the alleged place of incident and the FIR in question was lodged only on the



basis of a concocted story of a false encounter. He further argued that no firearm was used by the petitioner and co-accused as alleged, and if there had been any such encounter, the petitioner would have been apprehended immediately by the local police and produced before the Magistrate within the statutory period. No recovery is to be effected from him. The petitioner is in custody since 25.02.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

6. On a specific query put to learned State counsel whether any injury was caused to any police official in the alleged encounter, he fairly conceded that no injury was sustained by any police official.

7. 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 more than 02 years and 05 months; investigation is complete; challan stands filed, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody.



CRM-M-15481 of 2025

-3-

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.

8. 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*".

9. 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."

**CRM-M-15481 of 2025****-4-**

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

24.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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