



CRM-M-32818 of 2025

-1-

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

218

CRM-M-32818 of 2025
Date of Decision: 28.08.2025

Jitender @ Chhitku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Ashok Kumar Sharma, 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.94 dated 05.03.2025 registered under Sections 309(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station City Palwal, District Palwal.
2. Brief facts of the present case are that the FIR was lodged by one Manoj Singh, who stated that the petitioner in connivance with other co-accused robbed the car, mobile, ATM cards, diving license, PAN Card, Aadhar Card, vehicle registration papers and cash of the complainant.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has not committed any such offence as alleged in the FIR. He is in custody since 26.03.2025. No

**CRM-M-32818 of 2025****-2-**

recovery is to be effected from him. The investigation in this case is complete and challan also stands presented. He further submits that the trial may take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. State was called upon to file status report in the matter, vide order dated 27.06.2025, however, the same has not been filed till date.

4. On the other hand, learned State counsel has filed custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail, stating that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in one more case of similar nature.

5. 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 05 months; investigation is complete; challan was also presented before the concerned Court and the trial may take a long time to conclude, 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.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, 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

**CRM-M-32818 of 2025****-3-**

Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. 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.

28.08.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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