

2025:PHHC:089971



242

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

**CRM-M-37408-2025  
DECIDED ON: 22.07.2025**

**SHAMSHAD****.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Saleem Ahmed, Advocate  
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana

**SANDEEP MOUDGIL, J (ORAL)****1. Prayer**

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 seeking regular bail to the petitioner in case FIR No.261 dated 27.04.2025, under Sections 190, 191(1), 115(2), 118(1), 118(2), 126(1) of BNS, 2023 registered at Police Station Surajkund, District Faridabad, Haryana.

**2. Contentions:****On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that neither any overt act nor any specific injury has been attributed to him. It is further submitted that the investigation has been completed, the challan has already been presented before

the competent court, and no recovery is to be effected from the petitioner. In such circumstances, it is argued that no useful purpose would be served by keeping the petitioner in custody.

**On behalf of the State**

On the other hand, learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 2 months and 21 days.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the petitioner is a habitual offender, as he is involved in other cases. But she could not controvert the fact that no specific injury has been attributed to the petitioner.

3. **Analysis**

In the present case, admittedly no specific injury has been attributed to the petitioner and nothing is to be recovered from him and the fact that investigation is complete, challan stands presented on 19.06.2025, charges are yet to be framed and total 12 prosecution witnesses are to be examined, which will take considerable time, therefore, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “*bail is a rule and jail is an exception*” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-

M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

4. **Relief:**

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

In the afore-said terms, the present petition is hereby allowed.

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

22.07.2025  
Meenu

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