



CRM-M-42234 of 2025

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

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CRM-M-42234 of 2025
Date of Decision: 08.12.2025

Nafis alias Nafees alias Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Nikhil Mittal, 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.189 dated 20.05.2025 registered under Sections 121(1), 132 and 331(6) of the Bharatiya Nyaya Sanhita, 2023 (Sections 310(2), 61(2) and 238(C) of the BNS and Section 25 of the Arms Act were added later on), at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. Brief facts of the present case are that the FIR was registered on the basis of complaint moved by the complainant-Ankit Kumar who alleged that on the intervening night of 19/20.05.2025, 15 unknown persons with muffled faces (including the petitioner), in conspiracy with each other and armed with dangerous weapons, committed robbery by assaulting the

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complainant-a public officer after criminally trespassing into the warehouse, breaking the lock of the godown and looted 120 confiscated fertilizer bags.

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 alleged incident. He further contends that the petitioner was neither present at the spot nor was named in the FIR. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by the co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further argued that no test identification parade was conducted by the police in the present case and the petitioner has been falsely roped in without any incriminating evidence. He further argued that if the prosecution version is taken to be true, even then no specific role has been attributed to the present petitioner. Further, nothing is to be recovered from the petitioner. The petitioner is in custody since 27.05.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. There are total 24 prosecution witnesses in this case but none has been examined till date and as such, the 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.



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5. Learned State counsel already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he has actively participated in the crime. He argued that during investigation, the petitioner has admitted his guilt and recovery of weapon i.e. axe, country made pistol and one live cartridge along with Rs.1500/- were effected from him, which itself shows the involvement of the petitioner in the crime. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

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 more than 06 months; investigation is complete; challan stands presented; charges framed; no prosecution witness has been examined till date; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued 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*".



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8. 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."

9. 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.

(RUPINDERJIT CHAHAL)
JUDGE

08.12.2025
D.Bansal

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