



CRM-M-44374-2025

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

CRM-M-44374-2025

Date of decision: 06.11.2025

AARJU SAINI @ AJJU AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. S.K.Choudhary, Advocate for the petitioners.

Mr. Subhash Godara, Addl. AG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioners are seeking regular bail in FIR No.080 dated 02.07.2025 under Sections 331(4), 305 BNS and Section 317(2) of BNS added later on, registered at Police Station Taragarh, District Pathankot.

2. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and they have not committed any offence as alleged in the FIR. It is further contended that there is an unexplained delay of three days in lodging the FIR, and that the petitioners have been in custody since 04.07.2025, i.e., for the last 04 months. He further submits that the offences alleged are triable by the learned Judicial Magistrate First Class, the investigation of the case has already been completed, charges have been framed and now the case is fixed for prosecution evidence.

3. On the other hand, learned State counsel has opposed the bail on the ground that the petitioners were arrested and after their arrest, stolen articles were recovered from them, therefore, he prayed for dismissal of their bail.



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4. Heard.

5. Keeping in view the contention of learned counsel for the petitioners, the petitioners have been in custody since 04.07.2025 i.e. more than four months; the offences are triable by the Court of learned Judicial Magistrate 1st Class; the investigation of the case has already been completed, charges have been framed and now the case is fixed for prosecution evidence as per the contention of the learned counsel for the petitioner; and no fruitful purpose would be served by keeping them in custody for any further period, as concession of bail cannot be denied just as measure of punishment; and it is a trite principle of criminal jurisprudence that bail is a rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner. However, in the event the petitioners commit a similar offence in the future, the State shall be at liberty to move an application for cancellation of bail before the competent Court having jurisdiction over the present FIR, and such Court shall be empowered to revoke the bail at its discretion.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

7. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

06.11.2025
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(SUBHAS MEHLA)
JUDGE

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