



CRM-M-46810-2025

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

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**CRM-M-46810-2025
Decided on : 10.12.2025**

Akash alias Golu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Ms. Manisha Nehra, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

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.365 dated 25.10.2023, registered under Sections 307, 506, 120-B and 34 IPC and Sections 25 and 27 of the Arms Act, at Police Station Sadar Rohtak, District Rohtak.

2. Brief facts, as per the prosecution case, are that the petitioner alongwith co-accused fired shots upon the complainant Vikram with an intention to kill him. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and falsely implicated in the present FIR and he has no concern with the said offence. He further contends that the petitioner has been implicated in this case only because of previous enmity with the complainant. Learned counsel contends that no injury has been caused to the complainant. He further



contends that co-accused Tinku has already been granted the concession of regular bail vide order dated 18.02.2025, passed by the Additional Sessions Judge, Rohtak. The petitioner is in custody for the last 01 year 10 months and 03 days. Nothing is to be recovered from him. After completion of investigation, challan has been presented against the petitioner; charges have been framed and out of 19 prosecution witnesses, none has been examined till date. He submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed custody certificate and the same is taken on record. Status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He submits that the petitioner played an active role in the crime as he provided information to co-accused about whereabouts of the complainant who then fired shots upon him (complainant). Learned counsel further submits that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that no injury has been attributed to the petitioner; he is in custody for the last more than 01 year 10 months and 03 days; co-accused Tinku has already been granted the concession of regular bail; challan has been presented, charges have been framed and no prosecution witness has been examined till date, the complicity of the petitioner shall be determined after conclusion of trial which will take a long time to conclude and no useful purpose would be served by keeping him in custody any further. His



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. 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".

7. 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."

8. 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



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

10.12.2025

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(RUPINDERJIT CHAHAL)
JUDGE

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