



CRM-M-47825 of 2025

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

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CRM-M-47825 of 2025
Date of Decision: 03.09.2025

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...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sanyam Khetarpal, Advocate
or 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.318 dated 02.05.2024 registered under Sections 34 and 379-A of IPC (Sections 201, 420, 467, 468, 471 and 379-B IPC were added later on and Section 379-A was deleted), at Police Station Ballabhgarh City, District Faridabad.

2. Brief facts of the present case are that as per the prosecution, on 01.05.2024, three boys snatched the mobile phone of the complainant while inflicting injury on her neck and fled away from the spot. One of them took plea of juvenile on the basis of birth certificate which was found to be forged when verified from the records and is alleged to be made by the present petitioner.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Neither the petitioner has any concern with the said offence nor he was named in the FIR. He further argued that the allegations against the petitioner for preparing the forged and fabricated birth certificate of the son (Arman) of co-accused Chand, are totally false. He is in custody since 14.04.2025. No recovery is to be effected from him. The investigation in the case is complete, challan stands presented. Further co-accused Bisvinder @ Kalwa has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 25.02.2025 and co-accused Chand has also been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 04.09.2024. 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. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petitioner, filed custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

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 4½ months, investigation is complete; challan stands



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presented, 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.

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

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

03.09.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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