



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

231

**CRM-M-49114-2025(O&M)
Date of Decision: September 23, 2025**

Sanjay @ Chhota

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr.Parveen Kaushik, Advocate for the petitioner.

Mr.Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J.

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.57 dated 20.05.2016 registered under Sections 401 and 398 of the Indian Penal Code and Section 25 of the Arms Act, at Police Station Line Par Bahadurgarh, District Jhajjar.
2. Brief facts of the prosecution are that on a secret information the petitioner along with co-accused persons was arrested for planning to commit robbery. A country made pistol was recovered from the petitioner. He was granted bail vide order dated 29.08.2016 by the Trial Court (Annexure P-2), but he absented during trial on 27.11.2024 and his bail was



cancelled.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The absence of the petitioner before the Trial Court on 27.11.2024 was not intentional, but because of wrong information that he had been acquitted in trial. He has argued that immediately, on coming to know that case is still pending, the petitioner surrendered before the Trial Court on 27.05.2025 and since then he has been behind bars. Further, there is no likelihood of threatening the prosecution witnesses as they are official witnesses. He further submits that the petitioner undertakes to appear on each and every date of hearing before the trial Court without any default. 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 petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that offence committed by the petitioner is serious in nature and he is habitual of absenting himself during trial.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has remained in custody for nine months in the present case, including the period of about 3½ months after he surrendered on 27.05.2025. He has undertaken to attend the trial on each and every date of hearing 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. Reliance is placed upon in *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*”.

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.

September 23, 2025

(RUPINDERJIT CHAHAL)
JUDGE

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Whether Speaking / Reasoned	Yes / No
Whether Reportable	Yes / No