



CRM-M-49363 of 2025

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

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CRM-M-49363 of 2025
Date of Decision: 10.09.2025

Mukul Upadhaya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rahul Garg, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.0019 dated 03.02.2024 registered under Section 25 of the Arms Act (Section 25 (1)(A) of the Act added later on), at Police Station BPTP, District Faridabad.

2. Brief facts of the present case are that as per the prosecution, on 03.02.2024, ASI Bhupender Singh, along with his fellow police officials was on patrolling duty and no suspicion, apprehended one person, namely, Atender @ Bhola, who was found in possession of a country made pistol and three live cartridges. The petitioner is stated to be the supplier of the illegal weapons to other co-accused.



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 said offence. He further contends that neither the petitioner was present at the spot nor was named in the FIR. He further argued that during investigation, said co-accused Atender @ Bhola made a disclosure statement regarding purchasing of the weapons from one Abbas. It has also been contended that the petitioner was nominated as an accused on the basis of disclosure statement made by the said co-accused Abbas. 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 co-accused during his custodial interrogation is not admissible. The petitioner is in custody since 22.10.2024. Further, co-accused Atender @ Bhola and Abbas have already been granted the concession of regular bail by the learned trial Court, vide orders dated 30.04.2024 and 10.07.2024, respectively. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that the trial will 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 petition, has filed the custody certificate in the matter, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple cases



meaning thereby he is a habitual offender.

6. 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*”.

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. 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 10½ months, investigation is complete; challan stands

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presented; charges have also been framed, and the fact that 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.

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.

10.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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