



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

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**CRM-M-51022-2025(O&M)
Date of Decision: September 16, 2025**

Ayush

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr. Anil Kumar Chahal, Advocate and
Mr. Ravi Malik, 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.282 dated 24.07.2025 registered under Sections 310(2), 351(3), 115, 296 and 126(2) of Bharatiya Nyaya Sanhita, 2023, at Police Station Agroha, District Hisar.

2. Brief facts of the prosecution are that the FIR was lodged on the statement of Shamsheer-complainant, who alleged that on 23.07.2025 at about 10.30 pm, while he was going on his motorcycle towards his village Kajla, he was intercepted by a Swift Car. Few persons alighted from the car



and caused injuries to him with *Dandas*. They also snatched his purse, mobile phone and the motorcycle.

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 contends that the petitioner was not named in the FIR. Referring to report of the Test Identification Parade (Annexure P-2), it is also submitted that the petitioner was not identified by the complainant. Further, taking the Court to document Annexure P-3, he submits that complainant has given this affidavit to the effect that the petitioner was not the one who committed the alleged crime, and that he does not want any action against the petitioner. The petitioner is behind bars since 25.07.2025. He is a young man of 20 years, who has already qualified the written examination for Indian Army under the Agniveer Scheme and is expected to undergo physical test between 07.11.2025 to 20.11.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, two co-accused, minors in conflict with law, have been granted the concession of regular bail by the Juvenile Justice Board. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind 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 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 petitioner is 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 1½ months and he was not identified in the Test Identification Parade conducted in presence of Judicial Magistrate Ist Class; the complainant has also denied the involvement of the petitioner in the alleged crime 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 16, 2025
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(RUPINDERJIT CHAHAL)
JUDGE

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