



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

358

CRM-M-52230-2025 (O&M)

Decided on : 16.12.2025

MUSARRAF @ GULJAR**... PETITIONER****VERSUS****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

PRESENT: Mr. Jamil Ahmad, father of petitioner in person.

YASHVIR SINGH RATHOR, J. (Oral)

1. Today lawyers are abstaining from work.
2. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita read with 528 BNSS, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.93 dated 10.06.2025, under Sections 318(4), 319(2), 336(3), 338, 340(2) of BNS, 2023 registered at Police Station Bichhor, District Nuh.
3. Status report dated 17.10.2025 filed by way of affidavit of Jitender Kumar, HPS, Deputy Superintendent of Police, Punhana filed by respondent-State through registry is taken on record.
4. I have heard father of the petitioner who has appeared in person and have gone through the material placed on record.
5. As per allegations in the FIR lodged by SI Yashpal, Cyber Staff Punhana, one suspected mobile No.92117-61486 was found to be active in the area of Nuh, which was detected through Pratibimb Portal and one complaint regarding fraud of Rs.35,300/- was pending against the said mobile number which was lodged at Police Station Panjagutta, District



Hyderabad. Thereafter, petitioner Musarraff @ Guljar was arrested on the basis of location of his mobile phone and the suspected mobile along with SIM was recovered from his possession and he was arrested in this case on 10.06.2025. After completion of the investigation, the final report has been presented.

6. In this manner, petitioner is in custody since 10.06.2025. Challan has already been presented. All the offences are Magisterial trial and trial is certainly going to take long time to conclude. It has been held in 2018(2) R.C.R. (Criminal) 131, titled as *Dataram Singh Vs. State of Uttar Pradesh & Anr.*, 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. It is well settled that bail is the rule and jail is an exception and pre-trial incarceration cannot be used as a tool to punish an offender and no useful purpose will, thus, be served by detaining the petitioner in custody anymore.

7. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

December 16, 2025

Vishal Vardhan

**(YASHVIR SINGH RATHOR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No