

CRM-M-54775-2025 (O&M)

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

2025-PHHC-148407



**CRM-M-54775-2025 (O&M)
DATE OF DECISION : 27.10.2025**

**WASEEM KHAN ALIAS WASEEM
V/S**

... PETITIONER

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Prashant Singh Chauhan, Advocate with
Mr. Rahul Sangwan, Advocate for the petitioner.
Mr. Karanveer Singh, Sr. DAG Haryana.

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SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.28 dated 20.01.2020 registered under Sections 392 & 397 IPC and Section 25 of Arms Act, 1959 (Section 34 of IPC added later on) at Police Station Industrial Sector 7, Manesar, District Gurugram (Haryana).

2. Learned counsel for the petitioner contended that petitioner was granted bail by the Court of learned Addl. Sessions Judge, Gurugram vide order dated 02.03.2020 but later on due to illness he failed to appear before the Court and was declared as proclaimed offender. He was arrested in this case and is in custody since 16.07.2025. He moved an application for bail which was dismissed on wrong facts that he is involved in other 10 cases but in fact, except the present case and a case under Section 174-A IPC, he is not involved in any other criminal activity.

3. Notice of motion.

4. Mr. Karanveer Singh, Sr. DAG Haryana accepted notice on behalf of the respondent-State and has filed the custody certificate, which is taken on record. Learned State counsel vehemently opposed the prayer for grant of

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regular bail to the petitioner on the ground that mobile phone has been recovered from the petitioner and the motor-cycle which was used in the commission of offence has also been recovered from him. As per the custody certificate, petitioner is not involved in any other case except for FIR No. 103 dated 28.03.2025 under Section 174-A, 229-A IPC, Police Station IMT Manesar, Gurugram.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that petitioner was granted bail in this case on merits by a competent Court but later on he failed to appear before the Court and his bail bonds and surety bonds were forfeited to the State; he is in custody since 16.07.2025 i.e. for the last three months; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

27.10.2025

Janki

(SUBHAS MEHLA)
JUDGE

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