



CRM-M-61756-2025

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

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**CRM-M-61756-2025
Decided on : 10.11.2025**

Sandeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Rajesh Lamba, Advocate and
Mr. Abhinav Kaushik, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana
for the respondent-State.

Mr. Vinod Kumar, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.767 dated 01.12.2024, registered under Sections 304, 308(5), 351(3), 111 of BNS, 2023 and Section 25 of the Arms Act, 1959, at Police Station Kundli, District Sonapat.

2. As per prosecution story, the petitioner alongwith 8-10 persons came to the hotel of complainant and demanded Rs.4,00,000/- on gun point. They snatched Rs.43,000/- from the complainant, Rs.53,000/- from one Azim and Rs.2500/- and one mobile from one Imran and gave beatings to them.

3. Learned counsel for the petitioner contends that the petitioner is



innocent and falsely implicated in the present FIR. Learned counsel further contends that the petitioner is running a business of Private Security Agency namely Swat Security Facility Private Limited and used to provide security at the hotel of complainant and on the pressure of other security agencies and business rivals, the FIR has been registered. He contends that the alleged incident occurred on 14.11.2024 but the FIR was registered on 01.12.2024 i.e. after an unexplained delay of 17 days, casting a serious doubt on the prosecution story. It is further submitted that the matter has been compromised between the parties and the affidavits affirming the factum of compromise have been annexed as Annexures P-3 to P-5. The petitioner is in custody since 02.12.2024. Nothing is to be recovered from him. After completion of investigation, challan has been presented against him; charges have been framed and till today, none of the PWs has been examined. Learned counsel further contends that co-accused namely Ashish, Amit, Krishna @ Krishna Sing and Rohit Antil have already been granted the concession of regular bail by a Coordinate Bench of this Court and by this Court vide orders dated 17.07.2025 and 15.10.2025 respectively and prays that the present petition be allowed.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that he is not aware of any compromise effected between the parties. He further submits that the petitioner is also involved in one more case meaning thereby he is an habitual offender.

5. Learned counsel for the complainant has appeared today in court and filed his memo of appearance, which is taken on record. He does not dispute the factum of compromise and has not opposed the prayer for grant of regular



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bail to the petitioner.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. 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 since 02.12.2024; challan has been presented, charges have been framed and none of the PWs has been examined till date. There is a delay of 17 days in lodging the FIR. Further, co-accused of the petitioners namely Ashish, Amit, Krishna @ Krishna Sing and Rohit Antil have already been granted the concession of regular bail by a Coordinate Bench of this Court and by this Court vide orders dated 17.07.2025 and 15.10.2025 respectively. Thus, further custody of the petitioner will not serve any useful purpose especially when a compromise has been effected between the parties. 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.

8. Reliance is placed upon a judgment in the case of ***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".

9. 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



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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."

10. Without commenting on the merits of the case and keeping in view the aforesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

11. All other pending applications, if any, are also disposed of accordingly.

10.11.2025

mamta

**(RUPINDERJIT CHAHAL)
JUDGE**

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