



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

262

**CRM-M-61288-2025
Decided on : 03.12.2025**

Subham

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 483 of the BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.160, dated 21.08.2025, registered under Sections 305, 3(5), 112 of the Bharatiya Nyaya Sanhita, 2023, at Police Station DLF Phase II, District Gurugram.

2. Brief facts as per the prosecution case are that some unknown persons had stolen the Galaxy Watch 8 Classic from the display of the showroom.

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 the petitioner was neither named in the FIR nor any recovery was effected from him. Learned counsel contends that the said incident occurred on 20.08.2025 but the FIR in question was registered on



21.08.2025 i.e. after an unexplained delay of 01 day, casting a serious doubt on the prosecution story. Learned counsel contends that except the CCTV footage, in which the petitioner was merely standing near the co-accused, there is no other evidence to connect the petitioner with the said offence. Learned counsel contends that recovery of a watch was effected from co-accused Rohit and no recovery is to be effected from the petitioner. The petitioner is in custody since 09.10.2025 and is not involved in any other case. As the investigation in the case is still going on, therefore, no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate as well as the status report and the same are 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 further submits that CCTV footage clearly shows the involvement of the petitioner in the said crime. However, he has not controverted the fact that the petitioner is the first time offender as he is not involved in any other case.

5. 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 01 month and 24 days; the investigation in the case is still going on, nothing more is to be recovered, therefore, no useful purpose would be served by detaining him in further custody. His 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.

6. 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 her 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. 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.

03.12.2025

mamta

(RUPINDERJIT CHAHAL)
JUDGE

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