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

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Date of Decision: 04.12.2025

Sadam @ Buchiya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

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.29 dated 20.01.2025 registered under Sections 304, 309(4), 311 and 238(c) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, registered at Police Station Ellenabad, District Sirsa.

2. Brief facts of the present case are that the petitioner along with other co-accused Sadam @ Irfan @ Faan, robbed the complainant for Rs.15,000/- on gun point and also inflicted injuries to him. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argues that the petitioner

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was neither named in the FIR nor has any concern with the said incident and initially, the FIR in question was registered against unknown persons. He further argues that no test identification parade was conducted by the police during the investigation and the petitioner has been falsely roped up without any incriminating evidence. He submits that no specific role has been attributed to the present petitioner in the offence in question. He further argues that as per the prosecution, the accused persons had come on a motor-cycle to the liquor shop and committed robbery of Rs.15,000/- but in the FIR, neither any description of the alleged motor-cycle was given, nor any registration number has been mentioned. Further, co-accused Saddam @ Irfan @ Faan, who was on similar footing with the petitioner, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 30.07.2025. The petitioner is in custody since 17.02.2025 and nothing is to be recovered from him. The investigation in the case is complete and challan stands presented. 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. On the other hand, learned State counsel, replying upon the status report, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argues that during investigation on 20.02.2025, the petitioner along with co-accused Saddam @ Irfan @ Faan, suffered disclosure statement and admitted his guilt. He further argues that the petitioner along with co-accused had also got demarcated the place of occurrence and was also



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identified by the complainant. He further submits that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

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 more than 09 months; investigation is complete; challan stands filed; co-accused Saddam @ Irfan @ Faan has been granted bail by a Co-ordinate Bench of this Court, the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued 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 the judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein the 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. 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 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

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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."

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.

04.12.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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