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

247

**CRM-M-62023-2025 (O&M)
Date of decision : 11.11.2025**

Narender @ Chotu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 427 dated 30.11.2024, registered under Section 25(6) of the Arms Act at Police Station Sampla, District Rohtak.

2. As per the allegations, 30.11.2024, on receipt of a secret information to the effect that the present petitioner, who was running a gang, was present beneath the outer bypass of Rohtak-Delhi road bridge along with co-accused Sagar @ Bholu, while being armed with weapons, and could be apprehended if raided immediately, a raiding party was formed, which reached at the informed place and apprehended the petitioner and co-accused. On conducting search, one country made pistol and two live cartridges were recovered from the possession of the petitioner, whereas one pistol and one live cartridge was recovered from the co-accused. Both of them failed to

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produce any valid license or permit to keep in their possession the recovered weapons. They were formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery was planted upon him. His signatures were obtained by the Investigating Officer on blank papers. The trial is likely to take considerable time to conclude as only 01 prosecution witness has been examined so far out of total 13 witnesses. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that the petitioner is a man of criminal antecedents since several other cases have been registered against him. There are chances of his absconding or committing similar offences, if released on bail. Hence, it is urged that the petition does not deserve to be allowed.

6. This Court has heard the matter.

7. The petitioner is alleged to have been found in possession of one pistol and two live cartridges on 30.11.2024. The trial has commenced but it is apparent that there is no likelihood of its conclusion in near future since only 01 prosecution witness has been examined so far out of total 13 witnesses. As per the custody certificate, the petitioner is involved in some other cases but he is on bail in most of such cases. He has been acquitted in 09 cases, which were registered against him in past. He is in custody since 30.11.2024. It is well settled that the prolonged incarceration generally

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militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo. It is also well established that bail is the rule and jail is an exception. Keeping in view aforesaid facts and circumstances, this Court is of the considered opinion that a case for release of the petitioner on bail has been made out as no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an

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application seeking cancellation of bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

11.11.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No