

CRM-M-64379-2025

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

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**CRM-M-64379-2025
Decided on : 22.12.2025**

Manish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

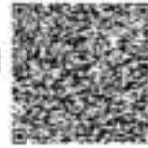
Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

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.68 dated 31.03.2025, registered under Sections 127(2), 309(4) of BNS, 2023 and Section 125(1-B)(a) of Arms Act, at Police Station Bajghera, District Gurugram.

2. Brief facts as per the prosecution case are that the petitioner along with co-accused wrongfully confined the complainant, robbed him on gun point, threatened to shoot him and fled away. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present FIR. He further



contends that neither the petitioner was present at the spot nor was named in the FIR. Learned counsel further contends that even otherwise, no overt act has been attributed to the petitioner. He contends that co-accused Krishna and Ajay have already been granted the concession of regular bail by the learned trial Court vide orders dated 26.05.2025 and 03.06.2025 respectively. Learned counsel further contends that there is no direct evidence on record to connect the petitioner with the said offence. The petitioner is in custody since 09.04.2025. Nothing is to be recovered from him. The investigation in the case is complete; challan stands presented; charges have been framed and out of 14 prosecution witnesses, none has been examined till date. Learned counsel further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate which is taken on record. Status report has already been filed. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the offence committed by the petitioner is serious in nature. Learned State counsel further contends that the petitioner has played pivotal role in the offence and also got recovered Rs.3000/- alongwith country made pistol and thus, does not deserve any concession from this Court. He further submits that the petitioner is also involved in one other case of similar nature 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, particularly the facts that the petitioner is in custody for the last 08 months and 12 days, co-accused Krishna and Ajay have

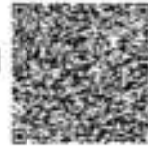


already been granted the concession of regular bail by the learned trial Court, investigation is complete, challan stands presented, charges have been framed; out of 14 prosecution witnesses, none has been examined till date and the fact that the trial may take a long time to conclude and no useful purpose would be served by detaining the petitioner 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 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*".

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 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."



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8. 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.

9. All other pending applications, if any, are also disposed off, accordingly.

22.12.2025

mamta

**(RUPINDERJIT CHAHAL)
JUDGE**

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