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

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CRM-M-2818 of 2026
Date of Decision: 26.02.2026

Naveen Bhardwaj @ Choti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Aakash Dalal, 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.370 dated 25.10.2024 registered under Sections 3(5), 309(4), 311 and 332(a) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act (Section 61 and 342(2) of the BNS and Section 29 of the Arms Act added subsequently), at Police Station Sonipat City, District Sonipat.
2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused entered into the shop of the complainant and his snatched mobile phone and Rs.15,000/- cash at gunpoint. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no

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concern with the said offence. He further submitted that the petitioner was neither named in the FIR, nor was present on the spot at the time of commission of offence. He further submits that even if the prosecution version is stated to be true, even then the only allegation is that the petitioner is the supplier of arms used in the offence. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by one co-accused Prince Kumar Pandey. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He submitted that the complainant has not supported the case of the prosecution. To lend force to his contention, he has drawn the attention of this Court to the statement of the complainant-Jitender Kumar (Annexure P-3), made before the trial Court wherein he has not supported the case of the prosecution and identified the petitioner to be the person who had not caused injuries to him. He further argued that recovery has already been effected from co-accused Prince and Punit and nothing is to be recovered from the petitioner. Further, co-accused Prince Kumar Pandey and Punit have also been granted the concession of regular bail by the learned trial Court, vide orders dated 07.11.2025 and 12.11.2025, respectively. The petitioner is in custody since 07.01.2025. The investigation in this case is complete and challan also stands presented. He submitted 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.



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4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is 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 argued that the petitioner is specifically named in the disclosure statement of co-accused Prince Kumar Pandey and he has actively participated in the crime. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

6. 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 01 year and 01 month; investigation is complete; challan stands presented; complainant has not identified the petitioner to be the person who caused injuries to him, the complicity of the petitioner is a matter of trial and the same 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.

7. 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*



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exception”.

8. 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."

9. 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.

(RUPINDERJIT CHAHAL)
JUDGE

26.02.2026

D.Bansal

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