



CRM-M-3124 of 2026

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

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CRM-M-3124 of 2026
Date of Decision: 19.02.2026

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sahil Gupta, 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.217 dated 23.06.2018 registered under Sections 302, 201, 120-B and 34 of IPC and Section 25 of the Arms Act (Sections 201 and 120-B of IPC added later on), at Police Station Sadar Tarau, District Nuh.

2. Brief facts of the present case are that the petitioner in connivance with other co-accused had committed murder of one Jahid, due to some old enmity. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the present FIR was registered on 23.06.2018 and he was granted the concession of regular bail by the learned trial Court, vide order dated 06.10.2021. Thereafter, the

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petitioner continued to appear regularly before the trial Court on each and every date, however, on 03.05.2024, he could not appear before the trial Court due to misunderstanding in noting down the date of hearing. Consequently, on 03.05.2024 itself, his bail was cancelled and he was ordered to be summoned through non-bailable warrants. He further argued that later on, the presence of the petitioner was procured through production warrant issued by the learned trial Court and he was taken into custody in the present case on 18.11.2024. He argued that non-appearance of the petitioner on 03.05.2024 was not intentional. The petitioner had been in custody for last more than 4 months. The investigation in the case is complete, challan stands presented and charges have also been framed. 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 has filed the status report in the matter, which is taken on record and while referring to the same, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted 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 was on bail and was regularly appearing before the trial Court until 03.05.2024; his non-appearance was unintentional; investigation in the present case is complete; challan stands presented; charges framed; the complicity of the petitioner is



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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.

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.

(RUPINDERJIT CHAHAL)
JUDGE

19.02.2026

D.Bansal

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