



CRM-M-9246 of 2026

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

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CRM-M-9246 of 2026
Date of Decision: 10.03.2026

Abhishek @ Abhi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rahul Kumar, Advocate
for the petitioner.

Mr. Vikram Singh, 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.05 dated 06.01.2025 registered under Sections 3(5) and 309(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Civil Lines, District Gurgaon.
2. Brief facts as per the prosecution case are that the petitioner along with other co-accused, robbed the complainant by putting knife on the neck of the complainant. 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 concern with the alleged offence. He further submitted that the petitioner was neither named in the FIR, nor has any concern with the said offence. It

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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. 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. Further, co-accused Lovepreet has already been granted the concession of regular bail by the learned trial Court, vide order dated 17.12.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 09.01.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 14 prosecution witnesses and out of which, only 02 have been examined till date and as such, 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 custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, 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 FIR and has actively participated in the crime. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

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



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for the last more than 01 year and 01 month; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 14 witnesses, only 02 have been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, 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 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. 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.

10.03.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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