



CRM-M-9029 of 2026

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

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CRM-M-9029 of 2026
Date of Decision: 17.03.2026

Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Arjun Atri, Advocate for the petitioner.

Mr. Armaan Dahiya, 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.188 dated 06.09.2025 registered under Sections 273, 274, 318(4), 338 and 340 of the Bharatiya Nyaya Sanhita, 2023, Sections 63, 65 of Copyright Act, 1957 and Sections 57 and 63 of Food Safety and Standards Act, 2006, at Police Station Industrial Area, District Bhiwani.

2. Brief facts as per the prosecution case are that the petitioner was found indulged in the business of preparing and packing spurious butter/ghee in the packets of branded companies. 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 said offence. He argued that the petitioner has no concern with the alleged manufacturing, packing or marketing of any spurious or

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adulterated ghee, nor with any infringement of copyright or violation of the Food Safety and Standards Act, in any manner. He further argued that there is not even an iota of evidence to connect the petitioner with the alleged crime. He further argued that the prosecution has not placed on record any chemical analysis report to show that the seized butter/ghee samples are actually adulterated within the meaning of the Food Safety and Standards Act, 2006, rather it is the case based on assumptions and presumptions, without any concrete evidence. He further argued that mere presence of the petitioner at the spot without any cogent evidence of ownership, tenancy, control, dominion or conscious possession cannot be a ground to deny bail. no offence under Section 318(4) is made out against the petitioner as the contents of the FIR do not fulfill the ingredients of cheating in any manner. Moreover, the petitioner has clean antecedents as he is not involved in any other case. No recovery is to be effected from the petitioner. The petitioner is in custody since 06.09.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submits that there are total 07 prosecution witnesses and but none has 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, 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 FIR and he has actively participated in the crime.



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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 for the last more than 06 months; investigation is complete; challan stands presented; charges framed; out of 07 witnesses, none has 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.

(RUPINDERJIT CHAHAL)
JUDGE

17.03.2026
D.Bansal

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