



CRM-M-10218 of 2026

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

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CRM-M-10218 of 2026
Date of Decision: 12.03.2026

Rishi Dev

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sourabh Sheoran, 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.02 dated 02.01.2025 registered under Sections 109(1), 308(2), 309(4) and 324(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, at Police Station Nangal Chudhri (Section 3(5) of the BNS and Section 27 of the Arms Act added later on), District Mahendergarh.

2. Brief facts as per the prosecution case are that the petitioner along with co-accused entered the liquor vend and damaged the liquor bottles and also threatened the vend Manager to pay Rs.25,000/- monthly.

Hence, the present FIR.

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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 further submitted that the petitioner was neither present at the spot, nor was named in the FIR. He argued that the alleged occurrence took place on 20.12.2024 but the FIR in question was registered on 02.01.2025 i.e. after an unexplained delay of 12 days, casting serious doubt on the prosecution story. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by the co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioners 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 further argued that if the contents of the FIR are taken to be true, even then no specific role has been attributed to the present petitioner. He further argued that in fact, it is a case of no injury and thus, the same does not attract Section 109(1) of BNS, which has been added by the prosecution only to make the offence graver. Further, co-accused Rohtash has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 12.01.2026. No recovery is to be effected from him. The petitioner is in custody since 09.01.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 16 prosecution witnesses 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.



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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 has further submitted that the petitioner is also involved in two more 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 is in custody for the last more than 01 year and 02 months; investigation is complete; challan stands presented; charges framed; out of 16 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. As regards the submission of learned State counsel that



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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."

8. 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.

12.03.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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