



CRM-M-11396 of 2026

-1-

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

256

CRM-M-11396 of 2026  
Date of Decision: 08.04.2026

Pardeep

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Aditya Sanghi, 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.31 dated 11.01.2025 registered under Sections 109(1), 111(2)(b), 111(5), 121(1), 132 and 221 of the Bharatiya Nyaya Sanhita, 2023 and Section 29/25(1-B)(a) of the Arms Act, at Police Station Azad Nagar, District Hisar.

2. Brief facts as per the prosecution case are that on the basis of secret information, when police party tried to stop the vehicle in which the petitioner along with other co-accused were present and started firing gun shots towards the police party with an intention to kill them. Hence, the present FIR.

**CRM-M-11396 of 2026****-2-**

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 in fact, the alleged occurrence is a case in which the specific act of firing that struck the bullet-proof jacket of SI Naresh Kumar is exclusively attributed to co-accused Yash, who alleged got down from the vehicle and fired upon them. 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 the petitioner was roped in the present case only on the basis of suspicion without any concrete evidence. 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 Sandeep has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 30.01.2026. No recovery is to be effected from him. The petitioner is in custody since 20.01.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 33 prosecution witnesses and out of which, only 03 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



CRM-M-11396 of 2026

-3-

committed by the petitioner is serious in nature. He has further submitted that the petitioner is 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 33 witnesses, only 03 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 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 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

**CRM-M-11396 of 2026****-4-**

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.

**08.04.2026***D.Bansal***(RUPINDERJIT CHAHAL)  
JUDGE**

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