



CRM-M-12756 of 2026

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

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CRM-M-12756 of 2026
Date of Decision: 29.04.2026

Vivek Yadav @ Vivek

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Munish Behl, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, 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.630 dated 22.10.2025 registered under Sections 118(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Section 61(2) and 238 of BNS was added later on), at Police Station Palla, District Faridabad.
2. Brief facts as per the case of the prosecution are that the petitioner in connivance with other co-accused, attacked one Prince (brother of the complainant) and caused serious injuries to him, due to some old enmity. 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 was neither



named in the FIR, nor was participated in the said scuffle and initially, the FIR was registered against unknown person. He argued that the alleged occurrence took place on 21.10.2025 but the FIR in question was registered on 22.10.2025 i.e. after a delay of 01 day, casting serious doubt on the prosecution story. It has also been contended that the present petitioner has been nominated in this case as an accused only upon the supplementary statement of the complainant made on 23.10.2025 that too after a gap of 01 day from the registration of the FIR, which again creates doubt on the prosecution version. He further argued that Section 118(2) of BNS has been added by the prosecution only to make the offence graver. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. The petitioner is in custody since 24.10.2025. The investigation in the case is complete and challan also stands presented but charges are yet to be framed. He further submitted 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 custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

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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 05 months; he has clean antecedents; investigation in the FIR is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial, 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 the 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

29.04.2026*D.Bansal*

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