



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

Sr.No.212 (2)

**CRM-M-14510-2026
Decided on : 22.05.2026**

Pankaj Bawa @ Pankaj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

Mr. Rahul Chauhan, Advocate
for the complainant.

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.564, dated 18.07.2023, registered under Sections 148, 149, 323, 325, 341, 379-B, 506 IPC (Section 201 IPC added lateron), at Police Station City, Yamuna Nagar.

2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused armed with gandasis, broken pipes etc. attacked upon the complainant Umit Gupta and caused him injuries. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and he has no concern with the said offence. Learned counsel contends that the petitioner has been implicated in this case only because of previous enmity with the complainant. He further contends that the complainant was a drug peddler and the petitioner and co-accused tried to stop him from indulging into drug trafficking, that is why he filed a false case against the petitioner and co-accused. Learned counsel has submitted that the co-accused Pavitar Wadhwa, Rajat, Gopal @ Ankush, Dheeraj, Nitesh @ Rahul, Ajay @ Kalu and Nakveer and Vishal have already been granted the concession of bail by the Coordinate Benches of this Court vide Annexure P-2. No recovery is to be effected from the petitioner. The petitioner is in custody since 14.10.2025. The investigation in this case is complete; challan stands presented; charges have been framed and out of 18 prosecution witnesses, none has been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report as well as custody certificate which are 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 has further submitted that the petitioner is also involved in multiple other cases of similar nature meaning thereby he is a habitual offender.



5. Learned counsel for the complainant, while opposing the petition for anticipatory bail, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

6. 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 07 months and 06 days; the co-accused persons have already been granted the concession of bail vide Annexure P-2; the investigation in this case is complete; challan stands presented; charges have been framed; out of 18 prosecution witnesses, none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner 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.

7. 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*".

8. 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 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."

9. 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.

22.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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