

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

CRM-M-15300-2026

Date of decision: 22.05.2026

HAZOOR ALI MAGHAR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Gaurav Luhani, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG Punjab.

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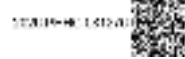
RUPINDERJIT CHAHAL, J. (ORAL)

1. Mr. Gaurav Luhani, Advocate has put in appearance on behalf of the petitioner and has filed his vakalatnama with no objection from the previous counsel. The same is taken on record.

2. 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.97 dated 29.08.2023 registered under Sections 379-B, 379, 411, 34 IPC at Police Station Bahavwala, District Fazilka.

3. Brief facts of the present case, as per the prosecution, are that the petitioner along with co-accused committed theft of 250 litres of diesel from the complainant's truck and also snatched his mobile phone and fled away from the spot. Hence, the present FIR.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that neither the petitioner was present at the spot nor any specific role is attributed to him. He further submits that it is highly improbable that such a huge quantity of diesel could be stolen in such a short span of time. He further submits that similarly placed co-accused persons

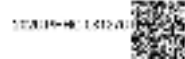


Court and by learned Trial Court vide orders dated 26.09.2024 and 03.10.2023 respectively. No recovery is to be effected from him. The petitioner is in custody since 29.08.2023. The investigation in the case is complete; challan stands presented; charges have been framed; out of 11 prosecution witnesses only 06 have been examined and as such 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.

5. Learned State counsel has filed the custody certificate in the matter, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

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 02 years; similarly placed co-accused persons have already been granted concession of bail by Co-ordinate Bench and learned Trial Court. The investigation in the case is complete; challan stands presented; charges have been framed; out of 11 prosecution witnesses only 06 have been examined and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of her rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram***



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 her 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

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No