



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

227

CRM-M-18003-2025  
Date of Decision: 21.01.2026

Bittu @ Bharat Sharma @ Bharat Pandit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Aakash Juneja, 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.382 dated 06.09.2020 registered under Sections 148, 149, 307, 323, 341 & 506 IPC (Sections 324 & 364 IPC added later on) and Sections 25, 54 & 59 of the Arms Act, at Police Station Kurukshetra University, Kurukshetra.

2. Brief facts of the present case are that as per the prosecution, the petitioner in connivance with other co-accused brutally attacked and caused injuries to the complainant with an intention to kill him.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argues that the petitioner was not named in the FIR and has been implicated in the present case on the



basis of disclosure statement of co-accused Mohit. He further submits that the other co-accused namely Vikas @ Monty, Karan @ Kana and Mohit @ Mudit, have already been granted the concession of regular bail by a Coordinate Bench of this Court, vide orders dated 25.05.2021, 23.03.2021 and 19.02.2021, respectively (Annexures P-2 to P-4). He further submits that the petitioner is in custody since 10.10.2024 and nothing is to be recovered from him. He further submits that the investigation in the case is complete, challan stands presented and charges have also been framed and out of total 28 prosecution witnesses, only 5 witnesses 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 the same is taken on record. Learned State counsel has already filed status report and relying upon the same has vehemently opposed the prayer for grant of bail on the ground that the offence committed by the petitioner is serious in nature and he was part of the unlawful assembly. He has further submitted that the petitioner has played an active role in the crime and he gave injury on the arm of the complainant with a stone. He further submits that the petitioner is involved in one more case, 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 03 months; investigation is complete;



challan stands presented; charges framed; there are total 28 prosecution witnesses, only 5 witnesses have been examined till date and as such, the trial is proceeding at snail's pace and 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 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 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*".

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 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.

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

**21.01.2026**  
*monika*

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