

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:053141



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CRM-M-17301-2026 (O&M)
Date of decision:07.04.2026

Jagdish @ Lambu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.190 dated 10.12.2024 registered under Sections 310(4), 310(5) and 310(6) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) and Sections 25(1A) and 29 of Arms Act at Police Station Jatusana, District Rewari.

2. As per the allegations, on 09/10.12.2024, a secret information was received that 4-5 persons were present in a tubewell room on the kacha rasta of Village Berli to Dehlawas. They were armed with weapons and were planning to commit similar offence of dacoity. It was also informed that they could be apprehended, if raid was conducted. Believing the secret information to be true, a raiding party was formed which reached at the

informed place and apprehended the petitioner along with accused Devender @ Subhash @ Mota, Raj, Mukesh @ Ramu and Prem Pal @ Leela. Recovery of 05 countrymade pistols, live cartridges, torches, iron rods and screw drivers were effected from them. They were formally arrested. On interrogation, the accused suffered disclosure statements to the effect that the recovered pistols had been supplied to them by the present petitioner and co-accused Rameshwar @ Pinku. The petitioner was arrested on 11.12.2024. The co-accused were also arrested subsequently. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No recovery has been effected at his instance. He is not required for further investigation. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, thus, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature as he had supplied the cartridges to the co-accused. The petitioner is a man of criminal antecedents. There are chances of his absconding or intimidating the witnesses or committing similar offences, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner is alleged to have supplied illicit weapons and

cartridges to the co-accused. The allegations *prima facie* make out a case for commission of subject offences against him. However, he is continuously in custody since 11.12.2024. The investigation stands completed. Obviously the trial will take considerable time since only 01 out of 12 prosecution witnesses has been examined so far. No useful purpose would be served by detaining the petitioner in custody anymore. The well settled proposition of law is that bail is the rule and jail is an exception. Pre-trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. In view of the above discussed facts, the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

8. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

07.04.2026

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