



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

Sr.No.229

**CRM-M-18347-2026
Decided on : 26.05.2026**

Mohit @ Chiken

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Saurabh Chobey, Advocate
for the petitioner.

Mr. Armaan Dahiya, AAG, 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.744, dated 17.12.2019, registered under Sections 148, 149, 323, 325, 427, 435, 307 IPC and Section 25 of the Arms Act, 1959, at Police Station City Narnaul, District Mahendergarh.
2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with co-accused brutally attacked and caused injuries to the brother of the complainant with an intention to kill him.
3. Learned counsel for the petitioner contends that the present FIR was registered on 17.12.2019 and he was granted the concession of regular bail by the learned trial Court, vide order dated 08.10.2020. Thereafter, the petitioner continued to appear regularly before the trial Court on each and



every date, however, on 04.07.2022, he could not appear before the trial Court and his bail/surety bonds were cancelled and non-bailable warrants of arrest were issued against him vide order dated 04.07.2022 (Annexure P-2). and subsequently, he was granted the concession of regular bail vide order dated 16.08.2022 (Annexure P-3). Learned counsel contends that again on 24.10.2024, he did not appear before the learned trial Court due to some medical reason and his bail/surety bonds were cancelled and forfeited to State and thereafter he was granted bail vide order dated 18.01.2025 (Annexure P-6). Consequently, on 22.05.2025 itself, his bail was cancelled because he was confined in District Jail, Narnaul in some other case and he was ordered to be summoned through non-bailable warrants. Learned counsel further contends that later on, the presence of the petitioner was procured through production warrants issued by the learned trial Court and he was taken into custody in the present case. He contends that non-appearance of the petitioner on 22.05.2025 was not intentional but because of his arrest in some other case. The petitioner has been in custody for more than 08 months. The investigation in the case is complete, challan stands presented; charges have also been framed and out of 13 prosecution witnesses, only 05 have been examined till date. He further submits 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 status report as well as the custody certificate, which are taken on record and while referring to the said status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the



petitioner is serious in nature and he has flouted the bail conditions multiple times. He further submits that the petitioner is also involved in multiple other cases 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 has been in custody for more than 08 months; his non-appearance was unintentional as he was in custody in some other case at that time; investigation in the present case is complete; challan stands presented; charges have been framed; out of 13 prosecution witnesses, only 05 have been examined till date; 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 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. Besides, petitioner will also submit undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

26.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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