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CRM-M-18565-2026

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

CRM-M-18565-2026

Date of decision: 28.04.2026

DEVENDER

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Shivansh Malik, Advocate for the petitioner.

Mr. Mohit Chaudhary, 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.65 dated 17.03.2025 registered under Sections 110, 115, 190, 191(3) and 351(3) BNS (Section 110 BNS was removed and Sections 103(1), 109(1), 238A and 61 BNS were added later on), at Police Station Sadar, District Rohtak.

2. Brief facts of the case of prosecution are that 5-6- unknown persons had attacked the complainant with iron pipes, because of which he died. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the offence. He submits that the petitioner was not named in the FIR as the same was registered against unknown persons. He further submits that all the injuries were on the legs and thighs of the deceased and were in no way



sufficient in ordinary course to cause death. He further submits that the deceased was a known case of HIV AIDS. He contends that as per the post mortem report, the cause of death was a cumulative effect of the injuries sustained and the complications arising therefrom, but the complications are not because of the injuries but because of deceased being a patient of HIV AIDS. He further submits that the co-accused namely Sachin, Prashant, Sunny have been granted bail by the Co-ordinate Bench of this Court and co-accused Inderjeet has been granted bail by this Court. He further submits that the petitioner is in custody since 31.03.2025, investigation in the present case is complete, challan has been filed, charges are framed and out of 50 prosecution witnesses only 03 have been examined. As such, the conclusion of trial will take a considerable long time. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and custody certificate of the petitioner 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 submits that the petitioner is involved in one more case meaning thereby, he is a habitual offender. However, he could not controvert the fact that similarly situated co-accused persons have been granted bail by the Co-ordinate bench of this Court and by this Court.

5. Mr. Aakash Chahal, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney. The same is taken on record. He has opposed to the relief sought by the petitioner and prays



6. Having heard learned counsel for the parties at length and upon perusal of the record of the case, it is evident that the petitioner has been in custody for more than 01 year. The investigation stands complete; the challan has been presented, and charges have been framed. Out of 50 prosecution witnesses, only 03 have been examined so far. The issue as to whether an offence under Section 103 of the BNS is made out against the petitioner is a matter for trial. The trial is proceeding at a snail's pace and is likely to take a considerable time to conclude. Coupled with the fact that similarly placed co-accused persons have already been granted bail by a Co-ordinate Bench of this Court and by this Court, no useful purpose would be served by detaining the petitioner in further custody. His continued detention, without any likelihood 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 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***



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.

28.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No