



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

Sr.No.242

**CRM-M-18520-2026
Decided on : 28.04.2026**

Aayush Kumar alias Guddu and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Manoj Kumar Kush, Advocate for the petitioners.
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 petitioners in case FIR No.31 dated 11.01.2025, registered under Sections 109(1), 121(1), 132 and 221 of BNS, 2023 and Section 25(1-B)(a) of Arms Act, 1959 (Sections 111(2)(b), 111(5) of BNS, 2023 and Section 29 of Arms Act, 1959 added lateron), at Police Station Azad Nagar, District Hisar.

2. Brief facts as per the prosecution case are that a police team led by Sub Inspector Naresh Kumar, while searching for accused Yash in another case, intercepted a car during nakabandi at Gorakhi Mod, Village Chaudhariwas. The said Yash allegedly fired at the police party and was apprehended at the spot with a weapon. Based on his subsequent disclosure, the present petitioners were named as persons who were contacted for arranging supply of arms.

3. Learned counsel for the petitioners contends that the petitioners are innocent and have been falsely implicated in the present case. He further contends that neither the petitioners were present at the spot nor were named



in the FIR. Learned counsel contends that the allegations levelled against them are false and they have no concern with the said offence. He further contends that there is no direct evidence to connect the petitioners with the said offence. It has also been contended that the petitioners have been nominated as accused only on the basis of disclosure statement made by co-accused Yash. Apart from the disclosure statement, there is no other evidence to connect the petitioners with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. Learned counsel submits that co-accused Rahul and Sandeep have already been granted the concession of regular bail by a Coordinate Bench of this Court vide orders dated 23.06.2025 and 30.01.2026 (Annexures P-2 and P-3). No recovery is to be effected from the petitioners. Petitioner No.1 is in custody since 26.01.2025 and petitioner No.2 is in custody since 15.05.2025. The investigation in this case is complete, challan stands presented and charges have been framed. Learned counsel further submits that out of 33 prosecution witnesses, only 03 have been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioners behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificates as well as status report which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioners is serious in nature. He further submits that petitioners are also involved in multiple other cases meaning thereby they are the habitual offenders.



5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner No.1 Ayush @ Guddu is in custody for the last more than 01 year 03 months and 01 day and petitioner No.2 Anjali is in custody for the last more than 11 months and 14 days; co-accused have already been granted the concession of regular bail by a Coordinate Bench of this Court; the investigation in this case is complete; challan stands presented; charges have been framed; out of 33 prosecution witnesses, only 03 have been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioners in further custody. Their further detention without the prospect of the trial being concluded in the near future would be violative of their 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 his 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. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.



8. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.***

9. 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."

10. In view of the above, the present petition is allowed and the petitioners are ordered to be released on bail on their 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
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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