



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

Sr.No.242

**CRM-M-21842-2026
Decided on : 19.05.2026**

Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Dhruv Sihag, 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.361 dated 07.08.2024, registered under Sections 303, 13 of BNS, at Police Station City Hisar.

2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused had stolen the motorcycle of complainant. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that neither the petitioner was present at the spot nor was named in the FIR, therefore, he has no concern with the said offence. It has also been

contended that the petitioner was implicated in the present case only on the



basis of his disclosure statement recorded in another FIR which is a weak evidence and is not admissible. Learned counsel submits that the petitioner was arrested in some other case and has been very conveniently roped in the present case by the police. He further contends that co-accused Sandeep Kumar has already been granted the concession of regular bail by the Court of learned Chief Judicial Magistrate, Hisar, vide order dated 22.12.2025 (Annexure P-3). No recovery is to be effected from the petitioner. The petitioner is in custody since 25.12.2025. The investigation in this case is complete; challan stands presented but charges are yet to be framed. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the present petition deserves to be allowed.

4. Learned State counsel has filed the status report as well as custody certificate which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner is also involved in multiple other cases of similar nature 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 04 months and 23 days; the co-accused has already been granted the concession of regular bail by the Court of learned Chief Judicial Magistrate, Hisar; the investigation in this case is complete; challan stands presented; charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner 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 in this regard is placed upon a judgment of Hon'ble Supreme Court 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. 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



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Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

9. All miscellaneous application(s), if any, stands disposed of accordingly.

19.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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