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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-24103-2025

Date of decision: 14th January, 2026

Satyawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 397 dated 03.11.2022 registered under Sections 148, 307, 170, 420, 279, 336, 427, 120-B of IPC read with Section 149 and Section 25-1B(1) of Arms Act, 1959 at Police Station Sadar Narwana, District Jind (Haryana).

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the allegations that on 02.11.2022, a police party headed by ASI Avtar Singh was present at village Danoda turn, in connection with patrolling duty when a secret information was received and believing the same to be true, a raiding party

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was immediately formed, which reached at the informed place. The police officials concealed themselves behind the bushes. Two vehicles reached at the spot after sometime. Five persons alighted from the vehicles. Two of them were carrying bags on their shoulders. They started having conversation with each other. In the meanwhile, one Innova car reached there and four persons, two of whom were wearing police uniforms alighted from the same. They tried to snatch the bags carried by the two persons, who were already standing there. All of them were tried to be apprehended by police officials but one of them fired a shot with a pistol towards the police officials and then all of them tried to flee. One of the vehicle was hit by a Mahindra Camper vehicle which was coming from the opposite side and the occupants of both vehicles which induced the present petitioner and co-accused Ashok Kumar had sustained injuries. They were apprehended. A pistol was recovered from custody of the petitioner. On conducting search, one bag containing 40 packets with currency notes of Rs. 1000/- denomination on the upper and lower side and plain papers in the middle were recovered from them. The occupants of other vehicles were also apprehended. Currency notes amounting to Rs. 4,00,000/- and Rs. 7,00,000/- respectively were recovered from them. The accused were formally arrested. Investigation has since been completed. The petitioner moved an application for grant of regular bail which was dismissed by this Court vide order dated 16.12.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery of firearm has been planted

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upon him. No firearm injury has been sustained by any police official in this case. Offences punishable under Section 307 of IPC are not attracted at all against him. Co-accused have been extended benefit of bail. On parity, he too deserves to be released on bail. He has been in custody for a period of about two years and two months. Trial is likely to take time. The extended period of his incarceration is a sufficient and new ground to seek concession of bail to him. No useful purpose would be served by keeping him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that the petition is not maintainable as the same is a successive petition. His previous petition has been dismissed on merits. The petitioner is a habitual offender and has been convicted in two cases. He had been extended benefit of interim bail but had misused the same and had absconded for a period of over one year. There are chances of his absconding or committing similar offences if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. As per the record only 06 out of 21 prosecution witnesses have been examined so far. It is, therefore, obvious that there are bleak chances of conclusion of the trial in near future. No specific act has been attributed to the petitioner. This is the second petition for grant of bail. His previous petition had been dismissed about one year and one month back. The petitioner is in custody for a period of over two years and two months. This factor, in the

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opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is also well settled preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing

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personal as well as surety bonds of two sureties to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

14th January, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |