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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.28695 of 2025
Date of Decision: 03.02.2026

Mohit Chauhan @ Mohit Chouhan @ Moti ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Supinder Singh Sohi, Advocate and
Mr. Surinder Jaipal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short
“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
87	09.06.2024	Naggal, District Ambala	459 of IPC (395, 397 and 201 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of
this petition are that the aforementioned FIR was registered on the basis
of a complaint submitted by the complainant Manpreet Singh alleging

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that on the intervening night of 08/09.06.2024, three unknown persons who were having muffled faces had entered into his house when he was sleeping along with his family members, looted an amount of Rs.1,90,000/- kept in almirah and after causing injuries to the complainant and his family members, had fled away. After registration of FIR, investigation proceedings were initiated. The CCTV footage of the area was procured. A secret information was received that the petitioner along with the co-accused were involved in the commission of subject offence. They were arrested on 23.06.2024. They suffered disclosure statements admitting their involvement in the crime. In pursuance of his disclosure statement, the petitioner got recovered a wooden stick and a sum of Rs.2000/- which was his share out of the looted money. Some other accused were also arrested subsequently. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He is in custody continuously since 23.06.2024. A false recovery has been planted upon him. The co-accused Kuldeep Singh, Praveen and Hari Mohan have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The complainant Manpreet Singh has since been examined and has not implicated the petitioner and the co-accused in commission of the subject crime. His further incarceration is not going to serve any useful purpose. It is, thus argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate

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General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner along with co-accused is alleged to have committed the offence of dacoity by entering inside the house of the complainant and by causing injuries to him and his other family members. Annexure A-1 is copy of sworn deposition of Pala Ram, father of the complainant, who while supporting the version that an offence had been committed at his house, has not identified the petitioner as one of the assailants.

7. The petitioner is in custody since 23.06.2024. Three co-accused have already been extended benefit of bail. The trial will take considerable time to conclude as only 03 out of 15 witnesses have been examined so far. The involvement of the petitioner in other cases cannot be considered to be a ground for denying the benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. It is equally settled that pre-trial incarceration should not be replica of post conviction sentencing and it should also not be punitive.

8. Taking into consideration the above discussed facts, the petition is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate

concerned, and further subject to the condition that he shall not directly or

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indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing unless exempted by the Court. He shall surrender his passport, if any with the trial Court. He shall also disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

03.02.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No