



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

211

CRM-M-33924-2026

Date of Decision : 22.06.2026

VARUN @ ANMOL

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Punit Malik, Advocate  
for the petitioner.

Mr. Satbir Singh Goripuria, DAG, Haryana

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**AARADHNA SAWHNEY, J. (ORAL)**

1. This petition for grant of bail under Section 483 of BNSS, 2023, has been filed by petitioner, an accused in case bearing FIR No.180 dated 25.06.2025 registered against him at Police Station Manesar, Gurugram, for the commission of offences punishable u/s 310(4), 11(2)(B), 310(5), 109(1) of BNS.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

*At about 01.00 AM on 24.06.2025, a secret information was received by Crime Branch Manesar to the effect that Kaushal, s/o Rajendra, r/o Village Joniawas, an anti-social element of society, who runs a Gang and against whom several criminal cases are pending along with his associates Varun @ Anmol (present petitioner), Ombir @ Golu, Anil @ Monu, Archit @ Dhiraj and Ranjit @ Gaurav are planning to loot trucks on National Highway No.48 near Village Hera Heri. Informant further disclosed that some of the members of gang are present in Village Daulatabad and are carrying illegal weapons as also that if the raid is conducted, they can be apprehended red handed. Relying upon the said information, raiding teams were constituted. Petitioner - Varun @ Anmol was*



*apprehended by second raiding team from Manesar on 25.06.2025. It was in his disclosure statement that the whereabouts of some of the other accused came to be known to the police team.*

*It is further the case of prosecution that when some of the accused, who had been arrested disclosed about the presence of the other accused armed with weapons, hiding in a room situated near Pachgaon Chowk to Kasan Road, that another raid was conducted, when one of the accused in the room fired gun shot at the police team. In defence, ASI Harjeet Singh (member of Police team) also fired a shot which hit on the left foot of co-accused Kaushal, his other accomplice i.e. co-accused Ombir was caught carrying a country made pistol.*

Consequently, a formal case vide FIR No.180 dated 25.06.2025, u/s 310(4), 11(2)(B), 310(5), 109(1) of BNS, was registered against the present petitioner and other accused.

Investigations were set into motion, during which various accused were arrested on different dates. Admittedly, investigations in the present case are complete for challan has been filed.

3. An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Additional Sessions Judge, Gurugram, in terms of order dated 27.05.2026. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, a young boy of 24 years of age, has been falsely implicated in the present case, only on account of the fact that he was known to main accused Kaushal. Further, even if the allegations as levelled in the FIR are taken to be true at their face value (though not admitted) the only role attributed to the petitioner is that he was present with the other accused when they all were allegedly planning to loot the trucks from National Highway No. 48. Admittedly, petitioner was neither arrested from the site, nor any weapon or other incriminating material was recovered from



him. In fact, the entire story of the prosecution which on the face of it does not seem plausible has been concocted. Moreover, the fact that no 'independent person' was joined as a *witness* to the entire case proceedings, further raises a serious question-mark on the genuineness of the story put-forth by the prosecution.

Learned counsel next contends that similarly situated co-accused Ranjit @ Gaurav has since been granted the concession of bail by a co-ordinate Bench of this Court, vide order dated 12.05.2026 passed in CRM-M-7055-2026 (Annexure P-4), it has thus been prayed that on grounds of parity, similar treatment be meted out to present petitioner.

Towards the end learned counsel contends that lenient view deserves to be taken in favour of the petitioner, moreso when investigations qua him are complete, challan stands filed, but the likelihood of completion of trial in the near future is quite remote for none of the prosecution witness has been examined, thus his further incarceration; he being in custody since 25.06.2025, would not serve any useful purpose as the same would be violative of the fundamental rights guaranteed under Article 21 of the Constitution of India. Towards the end, learned counsel contends that petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to him. Prayer for allowing the petition has been made.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel submits that in view of the seriousness and gravity of offence and the allegations levelled, the past antecedents of the petitioner, no lenient view deserves to be taken in his favour, for if extended the concession of bail, there is every likelihood of petitioner fleeing from the process of justice by not appearing in the Court, resulting in delaying the trial. Dismissal of the petition has been prayed for.



6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "**Gurbaksh Singh Sibbia V. State of Punjab**", ((1980) 2 SCC 5) held as under:-

*"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.*

*28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)*



*“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”*

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

*“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”*

30. In *AMERICAN JURISPRUDENCE* (2d, Volume 8, p.806, para 39), it is stated:

*“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”*

*It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”*

Recently, a Co-ordinate Bench of this Court in [\*\*Neelkamal Singh Alias Billa Vs. State of Punjab\*\*](#) passed in CRM-M-39765-2024 has held that although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

*“Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in [\*\*“Hussainara Khatoon and ors \(IV\) v. Home Secretary, State of Bihar, Patna”, \(1980\) 1 SCC 98\*\*](#). Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the*



*severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.”*

Factual aspects of the case have already been highlighted in para 2 of this order. In view of the submissions advanced by learned counsel for the petitioner, but without commenting on the merits of the case, lest it may prejudice the trial, considering the custody period already undergone by petitioner, the fact that co-accused Ranjit, who is on similar footing as the present petitioner, has been granted the concession of bail, as noted in para 4 of this order, this Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 25.06.2025), as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***



Resultantly, petitioner is granted the concession of bail subject to his furnishing bail bonds with two local sureties to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

*(i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*

*(ii) The petitioner will not tamper with the evidence during the trial.*

*(iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*

*(iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*

*(v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*

*(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*

*(vii) The petitioner shall not in any manner misuse his liberty.*

*(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*

*(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein



are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)  
JUDGE

22.06.2026  
Nisha Yadav

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |