



CRM-M-47724 of 2025

-1-

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

226

CRM-M-47724 of 2025
Date of Decision: 13.02.2026

Aftab Alam

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Ankur Kaushik, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, 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.79 dated 23.02.2025 registered under Sections 331(4), 305, 3(5), 317(2) and 111(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sector-58, Faridabad.

2. Brief facts of the present case are that the petitioner along with co-accused committed theft of gold articles and cash from the house of the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that he has no connection with the alleged offence. He argued that the petitioner was neither present at the spot, nor was named in the FIR. It

**CRM-M-47724 of 2025****-2-**

has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Deepak. Apart from the disclosure statement, there is no other evidence to connect the petitioner 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. He further argued that only allegation against the petitioner is that he has purchased the stolen articles from co-accused Deepak and recovery thereof has already been effected from the petitioner and nothing more is to be recovered from him. It is further submitted that the said articles were mortgaged by the co-accused to the petitioner and the petitioner has been made a scapegoat by the prosecution. The petitioner is in custody since 05.05.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 17 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report filed in the matter, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He further submits that the petitioner is involved in one more case 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



CRM-M-47724 of 2025

-3-

the last more than 09 months; investigation is complete; challan stands presented; charges framed; out of 17 prosecution witnesses, none has been examined till date; the complicity of the petitioner is a matter of trial, which is proceeding at snail's pace and the same will take a long time to conclude. Thus, no useful purpose would be served by detaining him 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 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 her 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



CRM-M-47724 of 2025

-4-

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 her 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.

13.02.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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