



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

CRM-M-48294-2025
Date of decision: 15.01.2026

**SARUK ALIAS SHAHRUKH ALIAS SHAHRUKH KHAN ALIAS
DALLA**

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking regular bail in case bearing FIR No.207 dated 19.12.2023 registered under Sections 395, 397 and 34 of Indian Penal Code, 1860 at Police Station Rozka Meo, District Nuh.

2. Learned counsel for the petitioner contended that in the present case, the complainant was examined on 12.01.2026 and has not identified the present petitioner as one of the accused; even in the initial Test Identification Parade, the petitioner was not identified by the complainant; the petitioner is in custody for the last more than 02 years; material witness i.e. complainant has been examined and no fruitful purpose would be served by keeping the petitioner in custody for any further period as only official witnesses are yet to be examined. As such, learned counsel prayed for grant of regular bail to the petitioner.



3. On the other hand, learned State counsel produced status report dated 14.01.2026 by way of affidavit of HPS, Deputy Superintendent of Police, Tauru, District Nuh (Mewat) on behalf of respondent-State, which is taken on record. On a specific query put by this Court, whether any article which is subject matter of the theft was recovered from the petitioner or not, learned State counsel, on instructions from PSI Pawan Kumar, submitted that no such article was recovered but a pistol (*desi katta*) and a motor-cycle, which were used in commission of crime were recovered from him. The petitioner does not have clean and clear antecedents and is involved in other cases also. Hence, learned State counsel prayed for dismissal of the present petition.

4. Heard.

5. Keeping in view the facts and circumstances of the present case and the fact that nothing has been recovered from the present petitioner; he has not been identified by the complainant at the time of his deposition; the petitioner is in custody since 24.12.2023 i.e. for the last 02 years and 08 days, as per his custody certificate annexed with the reply as Annexure R-4; material witness has been examined and only official witnesses are yet to be examined; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both parties and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.



6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

January 15, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |