



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

CRM-M-58090-2025

Date of decision : 12.01.2026

Kanhaiya Lal @ Kanhiya Lal

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Naveen Sheokand, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.78 dated 20.02.2022, under Section 398 and 401 of IPC and Section 25 of Arms Act, registered at Police Station Sarai Khawaja, Faridabad.

2. Succinctly the facts of the case are that on 22.02.2022, the police party while on patrolling, received a secret information to the effect that two boys having country made pistol and knife in their hands, were trying to rob the passengers and in case the raid is conducted, they could be apprehended along with the weapons. On receiving the information, the raiding party was constituted and they reached at the alleged place. The Police party apprehended both the boys along with their weapons. On asking, they disclosed their names to be Kanhiya Lal, from whom one loaded country made pistol along with one live cartridge was recovered and Shiva, from whom one button actuated knife was recovered. They failed to produce any licence regarding possession of the same and thus, the FIR was registered and both the accused were arrested on spot. On



registration of FIR, investigation commenced. On completion of investigation, challan was presented and on framing of charges, the trial commenced. During trial, the petitioner was earlier granted bail by learned Additional Sessions Judge, Faridabad vide order dated 31.05.2022, however, due to his absence on 01.05.2025, his bail was cancelled. Thereafter, the petitioner himself surrendered on 08.09.2025 and since then, the petitioner is behind bars. The petitioner approached learned Additional Sessions Judge, Faridabad for grant of bail, however, after hearing both the sides, the same was declined by learned Additional Sessions Judge, Faridabad vide order dated 25.09.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the present FIR has been registered on the basis of secret information. He submits that the petitioner has been falsely implicated in the present case. He submits that the petitioner was earlier granted bail by learned trial Court on 31.05.2022, however, as he remained absent unintentionally on 01.05.2025, his bail was cancelled. He submits that the petitioner himself surrendered before the trial Court on 08.09.2025 and since then his is behind bars. He submits that the petitioner is behind bars from last more than 07 months, however, the prosecution had not examined a single witness till date. He, thus, in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner has misused the concession of bail granted to him and thus, he does not deserves the concession of bail. He, on instructions, has



submitted that out of total 10 prosecution witnesses, none has been examined. He has produced the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner on being arrested, was admittedly granted bail by the trial Court vide its order dated 31.05.2022, however, as he remained absent on 01.05.2025, his bail was cancelled. The custody certificate shows that the petitioner surrendered himself before the trial Court on 08.09.2025 and since then he is behind bars. As per the custody certificate, petitioner has suffered an incarceration of 07 months and 11 days as on 10.01.2026. It further reflects that the petitioner is involved in two more cases, however, he is on bail in the those cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

(RAJESH BHARDWAJ)
JUDGE

12.01.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No