IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

258 **CRM-M-57242-2025 (O&M)**
Date of Decision: 04.02.2026

Jai Tewatia **....Petitioner**

Versus

State of Haryana **....Respondent**

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Gautam Dutt, Sr. Advocate with
Mr. Balvinder Sangwan, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Kunal Dawar, Sr. Advocate with
Mr. Saurav Bajaj, Advocate for the complainant.

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RUPINDERJIT CHAHAL, J (ORAL)

CRM-42673-2025

This application has been filed for placing on record the orders granting bail to co-accused (Annexure P-4 & P-5).

Application is allowed, as prayed for and the orders granting bail to co-accused (Annexure P-4 & P-5) are ordered to be taken on record.

Main Case

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.264 dated 11.09.2025 registered under Sections 351(2), 333, 110, 304 and 115 of the Bharatiya Nyaya Sanhita, 2023 (Sections

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117 and 61 of BNS added later on), at Police Station Adarsh Nagar, District Faridabad.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused hatched criminal conspiracy to make murderous assault on the injured Laxman (son of the complainant), in order to pressurize him to sell his plot to him on cheap rates.

3. Learned senior counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner was neither named in the FIR, nor has any concern with the said offence. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by one co-accused Rambir. 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 in evidence. He further argued that if the contents of the FIR are taken to be true, even then no specific role has been attributed to the present petitioner. He further argued that the alleged occurrence took place on 10.09.2025 at around 12.00 noon but the FIR in question was registered on 11.09.2025 i.e. after a delay of 01 day. Further, all the injuries sustained by injured-Laxman are on his non-vital parts and thus, Section 110 of BNS is not attracted at all. He further argued that no test identification parade was conducted in the present case. Further, co-accused Ajay Bhati, who was specifically named in the FIR, has already been granted the concession of regular bail by this Court, vide order dated 09.10.2025 and co-accused Rambir has also been granted bail by the learned

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trial Court, vide order dated 16.10.2025. The petitioner is in custody since 15.09.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submits that there are total 17 prosecution witnesses but none have 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 already submitted in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She argued that the petitioner was specifically named in the disclosure statement of co-accused Rambir. She further argued that the petitioner stood guard during the fight so that no one comes and rescues the injured Laxman and as such, he has actively participated in the crime.

5. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of anticipatory bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

6. 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 the last more than 04 months; investigation is complete; challan stands presented; charges framed; no prosecution witness has been examined; the

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complicity of the petitioner is a matter of trial; the trial is proceeding at snail's pace, and 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.

7. 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 his 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"*.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

(RUPINDERJIT CHAHAL)
JUDGE

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

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