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(226) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58225-2025 (O&M)

Date of decision : 12.01.2026

ROHTASH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Sourabh Sheoran, Advocate for the petitioner

Ms. Himani Arora, DAG, Haryana

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.02 dated 02.01.2025 registered under Sections 109(1), 308(2), 309(4), 324(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act registered at Police Station Nangal Chaudhri, District Mahendergarh.

2. The aforementioned FIR was registered on the basis of a complaint filed by the complainant-Sanjay on 02.01.2025 alleging therein that he was looking after a liquor vend of Sandeep Kumar & Company situated at Zone No.26, Village Bhedanti. On the evening of 20.12.2024, he received a call from his salesman Subhash to the effect

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that 03 persons had come to the liquor vend and had damaged the liquor bottles and had also taken away cash amounting to Rs.19,000/Rs.20,000/- from the cash box and 03 bottles of liquor and had flatly disclosed the name of one of the accused as Ajit and also informed that these persons were having pistols with them and had also raised a demand of Rs.25,000/- per month.

3. After registration of FIR, investigation proceedings were initiated. The complainant also produced a pendrive containing the CCTV footage of the incident. The accused Ajit alias Kalu, Rishidev and Ravi, who were in custody in some other case, were joined into investigation and suffered disclosure statement admitting their involvement in this case. The accused-Ajit alias Kalu in his disclosure statement also took the name of the present petitioner and told that he had purchased the pistols from the petitioner and had given the same to the other accused. The present petitioner who was in custody in some other case was nominated as accused and was formally arrested on 11.08.2025. He too suffered disclosure statement admitting that a countrymade pistol and live cartridges were sold to the co-accused Ajit. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him in the instant case. He is in custody since long. The investigation now stands concluded. Trial will take considerable time to conclude. His further incarceration

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would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, thus, argued that the petition deserves to be allowed.

5. Status report has been filed by learned State counsel and has argued that keeping in view the gravity of the allegations levelled against the petitioner and the fact that the petitioner is a habitual offender being involved in several cases and further that there are chances of his committing similar offences or absconding, if extended benefit of bail. He does not deserve to be released on bail.

6. This Court has heard the rival submissions made by the learned counsel for the parties at considerable length.

7. The petitioner is alleged to have supplied countrymade pistol and live cartridges to the accused-Ajit alias Kalu at whose instance the co-accused had made an attempt to kill the salesman Subhash at the liquor vend of the complainant and had also looted money as well as liquor bottles from the said liquor vend. He is in custody since 11.08.2025. No recovery has been effected from him. The trial will obviously take considerable time to conclude since even charges have not been framed so far. It is well settled proposition of law that bail is the rule and jail is an exception. Further, pre-trial incarceration should not be the replica of post-conviction sentencing. The petitioner is stated to be involved in several other cases but he cannot be denied benefit of bail due to that reason alone. Taking into consideration the above discussed facts and the attendant facts and circumstances, but without meaning to make any comment on the merits of the case, lest the same



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prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and 02 surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before the learned trial Court as and when directed.
- (iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.
- (vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.



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8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)
JUDGE**

**12.01.2026
Amit Sharma**

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