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

217/2

**CRM-M No.59735 of 2025
Date of Decision: 03.02.2026**

Gulab Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Kumar Kashyap, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking concession of regular bail in case bearing FIR No.87 dated 09.06.2024, registered under Sections 459 of IPC (Sections 201, 395 and 397 of IPC added later on), at Police Station Naggal, District Ambala. The first petition as filed by the petitioner has been dismissed as withdrawn.

2. Brief facts of the case relevant for the purpose of disposal of

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this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Manpreet Singh alleging that on the intervening night of 08/09.06.2024, three unknown persons who were having muffled faces, had entered into his house when he was sleeping along with his family members, looted an amount of Rs.1,90,000/- kept in almirah and after causing injuries to the complainant and his family members, had fled away. After registration of FIR, investigation proceedings were initiated. The CCTV footage of the area was procured. A secret information was received that the co-accused namely, Mohit Chauhan, Hari Mohan and Rohit along with some other accused were involved in the commission of subject offence. They were arrested and suffered disclosure statements admitting their involvement in the crime. During the course of investigation, the present petitioner and two other persons namely, Bunty Ram and Praveen Kumar were nominated as additional accused and were arrested on 27.06.2024. The petitioner suffered a disclosure statement admitting his involvement in the crime by saying that when co-accused had went inside the house of the complainant then he along with the co-accused Suraj had stood guard outside one of the rooms of his house and after committing the offence of looting, all of them had fled away. He also got recovered the wooden stick used by him at that time, cash amount of Rs.1200/- from his share in the looted money and the motorbike used at that time. Investigation now stands concluded.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He is in custody continuously since 27.06.2024. A false recovery has been planted upon him. The co-accused Kuldeep Singh, Praveen and Hari Mohan have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The complainant Manpreet Singh has since been examined and has not implicated the petitioner and the co-accused in commission of the subject crime. His further incarceration is not going to serve any useful purpose. It is, thus argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner along with co-accused is alleged to have entered inside the house of the complainant and stood guard outside one of the rooms of his house in order to help the other accused persons who inflicted injuries on the person of the complainant and his family members and committed the offence of dacoity. Annexure P-3 is copy of sworn deposition of the complainant, who while supporting the version that an offence had been committed at his house, has not identified the petitioner as one of the assailants.

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have already been extended benefit of bail. The trial will take considerable time to conclude as only 03 out of 15 witnesses have been examined so far. The involvement of the petitioner in other cases cannot be considered to be a ground for denying the benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. It is equally settled that pre-trial incarceration should not be replica of post conviction sentencing and it should also not be punitive.

8. Taking into consideration the above discussed facts, the petition is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned, and further subject to the condition that he shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing unless exempted by the Court. He shall surrender his passport, if any with the trial Court. He shall also disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

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construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

03.02.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No