



CRM-M-66834-2025

1

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

249

CRM-M-66834-2025 (O&M)**Decided on : 13.01.2026**

Punit Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Ms. Sakshi Khera, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)**CRM-47795-2025**

Application is allowed as prayed for.

CRM-M-66834-2025

1. Prayer in the present 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.588 dated 28.09.2019, registered under Sections 148, 149, 109, 120-B, 364, 302 IPC and Section 25 of the Arms Act, at Police Station Sector 10-A, Gurugram.

2. As per prosecution story, on 27.09.2019, petitioner alongwith co-accused kidnapped Sanjeev, (cousin of the complainant) due to some previous enmity and lateron he was found dead. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further contends that neither the petitioner was present at the spot nor was named in the FIR. Learned counsel further contends that he has been nominated as an accused only on the basis of disclosure statement of co-accused. 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 co-accused during his custodial interrogation is not admissible. Learned counsel contends that co-accused of the petitioner namely Ansul, Chander Shekhar @ Shekhar, Ajay son of Late Shri Rajesh, Ajay alias Maya son of Sh. Ran Singh and Rahul @ Rahul Kataria have already been granted the concession of regular bail by the learned Additional Sessions Judge, Gurugram as well as by this Court vide orders dated 02.11.2023, 11.09.2023, 02.09.2023, 01.09.2023 and 22.11.2022 respectively. No recovery is to be effected from the petitioner. He has been in custody in present case for more than four years. The petitioner was granted the concession of regular bail by trial Court on 19.01.2023, however, his bail was cancelled as he failed to appear on one date. He has been in custody in present case for more than 04 years. The investigation in the case is complete, challan stands presented; charges have been framed out of 30 only 12 witnesses have been examined so far 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. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the



petition, has filed the custody certificate of the petitioner, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and if the petitioner is released on bail, he may abscond, tamper with the evidence or intimidate the witnesses. She further submits that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in custody for the last more than 04 years 06 months and 26 days; investigation is complete; challan stands presented, charges have been framed; out of 30 only 12 witnesses has been examined so far, co-accused Ansul, Chander Shekhar @ Shekhar, Ajay son of Late Shri Rajesh, Ajay alias Maya son of Sh. Ran Singh and Rahul @ Rahul Kataria have already been granted the concession of regular bail by the learned Additional Sessions Judge, Gurugram as well as by this Court and the trial is proceeding at snail's pace, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further 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 her 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. As regards the submission of learned State counsel that petitioner is



involved in other/another case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

15. 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.

13.01.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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