



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

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**CRM-M No.71630 of 2025
Date of decision : 22.1.2026
Date of uploading : 22.1.2026**

Ravi @ Chhotu**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajesh Tushar, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.187 dated 3.6.2023 under Sections 379-B of the IPC and Section 25(1-B) of Arms Act, 1959 (Sections 483 and 34 of IPC added later on), registered at Police Station Civil Line, Kaithal, District Kaithal.
2. The gravamen of the FIR in question is that the complainant, namely, Meenakshi Sharma, wife of Saurabh Sharma, resident of House No. 52, Sector 19-I, HUDA, Kaithal, alleged that on 03.06.2023, at about 11:15 a.m., while she was returning from Shiv Mandir along with her two-year-old son, two boys arrived on a motorcycle bearing registration number HR-07AS-3039. The boy seated on the pillion seat (petitioner



herein) forcibly snatched the gold chain weighing approximately two tolas that she was wearing around her neck. When she raised an alarm, the assailants assaulted her by giving fist blows, and one of them took out a pistol from his pant and threatened her with dire consequences, stating that he would kill her if she continued to raise an alarm. In the meantime, Rajender, son of Surajbhan, resident of House No. 296, Nehru Garden Colony, Kaithal, arrived at the spot, upon seeing whom the assailants fled from the scene.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.6.2023. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has submitted that the petitioner is in custody for more than 2½ years. Learned counsel has also argued that there are material discrepancies in the testimony of the FIR-complainant. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 20.1.2026, in the Court today, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 3.6.2023, whereinafter investigation was carried out and challan has been presented on



21.11.2023. Charges in the instant case have been framed on 14.12.2023. Total 10 prosecution witnesses have been cited, out of which, only 2 have been examined till date. It is not in dispute that the FIR-complainant has been examined as prosecution witness. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution



evidence.

6.2 As per custody certificate dated 20.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 6 months and 17 days. As per the said custody certificate, the petitioner is stated to be involved in other cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned



CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

22.1.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No