



CRM-M-804 of 2026

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

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CRM-M-804 of 2026
Date of Decision: 30.01.2026

Rahul @ Cheeku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Saurabh Chobey, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

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.744 dated 17.12.2019 registered under Sections 148, 149, 323, 325, 427, 435 and 307 of IPC and Sections 25 of the Arms Act (Sections 325 IPC added later on), at Police Station Narnaul, District Mahendergarh.

2. Brief facts of the present case are that, the petitioner in connivance with other co-accused brutally attacked and caused injuries to the brother of the complainant with an intention to kill him.

3. Learned counsel for the petitioner contends that the present FIR was registered on 17.12.2019 and he was granted the concession of regular bail by the learned trial Court, vide order dated 08.10.2020. Thereafter, the

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petitioner continued to appear regularly before the trial Court on each and every date, however, on 22.05.2025, he could not appear before the trial Court because he was already confined in District Jail, Narnaul in another case. Consequently, on 22.05.2025 itself, his bail was cancelled and he was ordered to be summoned through non-bailable warrants. He further argued that later on, the presence of the petitioner was procured through production warrant issued by the learned trial Court and he was taken into custody in the present case. He argued that non-appearance of the petitioner on 22.05.2025 was not intentional. The petitioner had been in custody for more than 4 months. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that 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 status report in the matter, which is taken on record and while referring to the same, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he could not controvert the fact that the petitioner was in custody in some other case when his bail was cancelled.

5. 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 months; his non-appearance was unintentional as he was in custody in some other case at that time; investigation in the present case is complete; challan stands presented;



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charges framed; the complicity of the petitioner is a matter of trial, 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.

6. 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*".

7. 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.

30.01.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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