



CRM-M-4029 of 2025

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

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**CRM-M-4029 of 2025
Date of Decision: 04.09.2025**

Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Balraj Gujjar, Advocate and
Ms. Shweta Bawa, 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.764 dated 31.07.2023 registered under Sections 379 and 420 of IPC (Section 201 of IPC added later on), at Police Station Sadar Karnal, District Karnal.

2. Brief facts of the prosecution are that on 31.07.2023, an information was received at Police Post alleging that two boys have fled away after swapping ATM Card at PNB ATM. On receiving the said information, ASI Naresh along with ASI Rajnish reached the place of occurrence where the complainant Krishan Narwal was present. He gave an application stating therein that at about 10.30/11.00 am, he came to the ATM of Punjab National Bank, Jundla for withdrawing an amount. At that time, two boys came there and one of them cancelled the transaction of the



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complainant and removed the complainant's ATM card and put his own card and as such, blocked the ATM. Thereafter, the boys fraudulently changed his ATM and ran away from the spot.

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 argued that initially the FIR was registered against unknown person. Even as per the case of prosecution, there is no monetary loss to the complainant. The petitioner is in custody since 14.11.2024. The investigation in the case is complete and challan also stands presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the 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. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious. He has further submitted that the petitioner is also involved in multiple other cases meaning thereby he is an 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 is in custody for the last more than 9½ months, investigation is complete; challan stands presented, and the fact that trial may take a long time to conclude, 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



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concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal 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."

8. 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.

(RUPINDERJIT CHAHAL)
JUDGE

04.09.2025
D.Bansal

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