



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

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**CRM-M-53478-2025(O&M)
Date of Decision: September 26, 2025**

Sahil and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr.Anil Kumar Chahal, Advocate
for the petitioners.

Mr.Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J.

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.282 dated 24.07.2025 registered under Sections 310(2), 351(3), 115, 296 and 126(2) of Bharatiya Nyaya Sanhita, 2023, at Police Station Agroha, District Hisar.

2. Brief facts of the prosecution are that the FIR was lodged on the statement of Shamsheer-complainant, who alleged that on 23.07.2025 at about 10.30 pm, while he was going on his motorcycle towards his village Kajla, he was intercepted by a Swift Car. Few persons alighted from the car



and caused injuries to him with *Dandas*. They also snatched his purse, mobile phone and the motorcycle.

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case and they have no concern with the said offence. He contends that the petitioners were not named in the FIR. Referring to report of the Test Identification Parade (Annexure P-2), it is also submitted that the petitioners were not identified by the complainant. Further, taking the Court to document Annexure P-3, he submits that complainant has given this affidavit to the effect that the petitioners were not those persons who committed the alleged crime, and that he does not want any action against the petitioners. The petitioners are behind bars since 25.07.2025. They are students and have recently passed their class 12 examinations and taking coaching to settle themselves in life. Moreover, they have clean antecedents and not involved in any other case. Further, two co-accused, minors in conflict with law, have already been granted the concession of regular bail by the Juvenile Justice Board and co-accused Ayush has been granted regular bail by this Court vide order dated 16.09.2025 passed in CRM-M-51022-2025. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping them 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 petitioners, which are taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioners is serious in nature. However, he has not controverted the fact that petitioners are first time offenders as they are not involved in any other case.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioners are in custody for the last more than 2 months and they were not identified in the Test Identification Parade conducted in presence of Judicial Magistrate Ist Class; the complainant has also denied the involvement of the petitioners in the alleged crime and the trial may take a long time to conclude, no useful purpose would be served by detaining them in further custody. Keeping the petitioners 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 in *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 his 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. In view of the above, the present petition is allowed and the petitioners are ordered to be released on bail on their 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.

September 26, 2025

**(RUPINDERJIT CHAHAL)
JUDGE**

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Whether Speaking / Reasoned	Yes / No
Whether Reportable	Yes / No