



CRM-M-43958 of 2025

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

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CRM-M-43958 of 2025

Date of Decision: 22.09.2025

Mahesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Amarsh Dudeja, 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.335 dated 26.10.2024 registered under Sections 109(1), 115, 118(1), 3(5), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25, 54 and 59 of the Arms Act, at Police Station Sector-5, Panchkula.

2. Brief facts of the present case are that as per the prosecution, the petitioner along with co-accused Suraj gave knife blows to the friend of the complainant Sanjay Chandra-injured.

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 alleged incident. He argued that the petitioner was arrested on 05.11.2024

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and during the police remand, no recovery was effected from the petitioner. He further argued that injured Sanjay Chandra has been examined as PW-1 on 22.07.2025 before the trial Court and he has not supported the case of the prosecution. He further argued that the petitioner has filed a quashing petition i.e. CRM-M-28975-2025 on the basis of compromise and the same is pending before this Court. He argued that the petitioner is behind bars for the last nearly 10 months. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Suraj has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 09.06.2025. On the strength of above arguments, he prays that 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, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner has filed a quashing petition i.e. CRM-M-28975-2025 on the basis of compromise and also the fact that the petitioner is not involved in any other case.

5. 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 10 months; the injured Sanjay Chandra has not identified the present petitioner to be the person who had inflicted injuries upon him; the petitioner has filed a quashing petition (CRM-M-28975-2025) on the basis of compromise; co-accused/Suraj has already been granted the

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concession of anticipatory bail by a Co-ordinate Bench of this Court, 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.

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 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*".

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.

22.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)**
JUDGE

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