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

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CRM-M-34051 of 2025
Date of Decision: 08.09.2025

Baljeet Singh @ Punjabi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.0032 dated 01.02.2025 registered under Sections 310(4), 310(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25, 25(1-B)(a), 25(6), 25(8), 54 and 59 of the Arms Act, at Police Station Chhapar, District Yamuna Nagar.

2. Brief facts of the present case are that as per the prosecution, on 01.02.2025, ASI Santosh Kumar, along with his fellow police officials was on patrolling duty. After receiving a secret information, they raided the alleged place and apprehended the petitioner along with other other accused, namely, Gautam @ Matu, Guraman @ Aman Mavi and Vikesh Saini, who were found in possession of illegal weapons and planning to commit



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robbery/dacoity.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends neither the petitioner was named in the FIR nor has any concern with the alleged incident. The petitioner is in custody since 01.02.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. No recovery is to be effected from the petitioner. Further, co-accused, namely, Gautam @ Matu, Guraman @ Aman Mavi and Vikesh Saini, who were apprehended with the petitioner on the spot, had already been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Yamuna Nagar, vide orders dated 11.03.2025, 18.03.2025 and 24.03.2025, respectively. 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. 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 and he was apprehended at the spot with the illegal possession of weapons. He has further submitted that the petitioner is also involved in another other case meaning thereby he is a habitual offender.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody



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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*”.

6. 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."

7. 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 07 months, investigation is complete; challan stands presented; charges have also been framed 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 concluded in the near future would be violative of

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his rights under Article 21 of the Constitution of India.

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.

08.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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