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

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**CRM-M-25580-2025 (O&M)
Date of decision: 26.08.2025.**

JAI NARAIN

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Gaurav Tyagi, Advocate,
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case FIR No.10 dated 23.01.2019, under Section(s) 147, 149, 395, 397 and 341 of the Indian Penal Code, 1860 and under Section 25 of the Arms Act, and also under Sections 141 and 146 of the Railways Act, 1989 registered at Police Station GRP Rohtak, District GRP Ambala Cantt.

2 Learned counsel for the petitioner contends that the petitioner has been framed as an accused in the aforesaid case on his own disclosure statement while being in custody. He contends that as per the provisions of

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Section 23 (2) of the Bharatiya Sakshya Adhinyam, 2023, the same would not be enforceable. He further contends that the petitioner has undergone an actual custody period of 06 years, 03 months and 12 days as per the custody certificate placed on record and the trial is not likely to conclude soon.

3 Learned State counsel, on the other hand, contends that the petitioner is hardened criminal having criminal antecedents and thus does not deserve the concession of regular bail.

4 I have heard the learned counsel for the petitioner and learned State counsel and have also gone through the case file.

5 Learned State counsel is not in a position to dispute that the petitioner has already undergone actual custody for a period of 06 years, 03 months and 12 days in the present case. She further informs that out of total 42 witnesses cited by the prosecution only 16 witnesses have been examined so far. It is also evident from a perusal of the custody certificate produced that in other cases that had been registered against the petitioner in Uttar Pradesh, he has been granted the concession of regular bail in 03 cases. Further, pendency of other criminal cases may not always be an impediment for the grant of bail. The belated trial in the present case would invariably violate the right of speedy trial enshrined under Article 21 of the Constitution of India.

6 Taking into consideration the facts noticed above, the period of actual custody undergone by the petitioner as an undertrial and also the stage of proceedings before the trial Court, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail

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bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

August 26, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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