



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

**226**

**CRM-M-36305-2025 (O&M)  
Date of decision: 17.07.2025**

Rahul @ Chhotu

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Aakash Juneja, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.46 dated 20.02.2025 registered under Sections 309(4), 311, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') and Sections 25(i-b)(a)/27 of the Arms Act, 1959 at Police Station Urban Estate, Rohtak District Rohtak.

2. As per the prosecution's case, on 20.02.2025 at about 04:44 PM, Sweety, wife of Himanshu, was walking with her three-year-old son near a vacant plot in Sector-4, Rohtak, when three unidentified young individuals on a black Splendor motorcycle approached her, with muffled faces. The pillion rider showed a weapon and snatched a gold chain from her neck, after pushing her to the ground and thereafter, they fled away from the spot. The victim returned home and called



emergency services. Based on her complaint, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The petitioner is not named in the FIR and further, there is no evidence to establish the identity of the petitioner as one of the assailant, who has committed the alleged crime. The false implication of the petitioner is writ large as he has been named in in three FIR within a span of two days.

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 17.03.2025 and there are total 14 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner along with his co-accused has snatched Rs.1,00,000/- and gold chain from the complainant on gun point. He is a habitual offender and is involved in other cases, however, he could not controvert the fact that in the present case out of 14 PWs, not even a single prosecution witness has been examined.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind



the bars from the last 04 months and 24 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 14 prosecution witnesses, no PW has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***“Satender Kumar Antil vs. CBI”***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

*“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”*

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.

9. Further keeping in view the law laid down by the Hon'ble Supreme Court of India in "*Prabhakar Tewari vs. State of U.P. and another*" 2020 (1) R.C.R. (Criminal 831) and "*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*", 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Rahul @ Chhotu is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**17.07.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No