



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

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**CRM-M-31420-2025(O&M)
Date of Decision: September 25, 2025**

Gaurav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr.Shailender Singh Gill, Advocate
for the petitioner.

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.238 dated 04.08.2023 registered under Sections 342, 395 and 201 of the Indian Penal Code, at Police Station Kalayat, District Kaithal.
2. Brief facts of the prosecution case are that the FIR was lodged on the statement of Subhash, who was working as night watchman in Kaveri Foods Factory, Batta. He alleged that on the night of 03.08.2023, six young persons, aged between 20-25 years, jumped into the factory, made him



hostage, broke the transformer and stole all its copper, machine and electrical oil. While leaving, they also took away mobile phone of the complainant and the DVR machine of the cameras.

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 said offence. He contends that neither the petitioner was named in the FIR nor any recovery effected from him. He was joined in the investigation while in custody in some other case. The petitioner is behind bars since 31.08.2024. The investigation in the case is complete and challan stands presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him 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 petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple other cases meaning thereby he is an habitual offender.

6. 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 about 01 year 01 month, investigation is complete; challan stands presented and the fact that trial may take a long time to conclude and the



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 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. As regards the submission of learned State counsel that petitioner is involved in other/another 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."



9. 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.

September 25, 2025

**(RUPINDERJIT CHAHAL)
JUDGE**

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