



CRM-M-48291 of 2025

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

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CRM-M-48291 of 2025
Date of Decision: 04.09.2025

Rajat @ Raka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Mohan Singh Rana, 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.131 dated 15.05.2025 registered under Sections 25(1-B)(a) and 29(b) of the Arms Act, at Police Station Farukh Nagar, District Gurugram.

2. Brief facts of the prosecution case are that on 15.05.2025, ASI Vijender Singh received secret information that Rajat son of Rakesh is present near liquor shop, Kheda Khurampur with an illegal weapon and in case raid is conducted, he can be apprehended. ASI Vijender Singh along with secret informer and other fellow officials reached at the disclosed place. The secret informer apprised the police party that the boy standing was Rajat. Thereafter, the secret informer was allowed to leave. The boy was



apprehended who disclosed his name to be Rajat son of Rakesh. On his personal search, one country made pistol was recovered from the right pocket of his jeans.

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. The petitioner is in custody since 15.05.2025. The investigation in the case is complete and challan also 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 the 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 as he was apprehended at the spot with alleged weapon. 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 more than 3½ months, investigation is complete; challan stands presented, recovery of alleged weapon has already been effected 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



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would be violative of his rights under Article 21 of the Constitution of India.

7. 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."

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.

(RUPINDERJIT CHAHAL)
JUDGE

04.09.2025

D.Bansal

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