CNR No: PHHC011317532026
2026:PHHC:114742

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

249 **CRM-M-44633-2026**
Date of decision: 19.08.2026

SAHIL **...PETITIONER**

Versus

STATE OF HARYANA **...RESPONDENT**

Sr. No.	Particular	
1	The date when the judgment is reserved	17.08.2026
2	The date when the judgment is pronounced	19.08.2026
3	The date when the judgment is uploaded on the website	19.08.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Aditya Pal Singla, AAG, Haryana.

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MANISHA BATRA, J

1. The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case FIR No.233 dated 28.07.2025, under Sections 310(2), 311 BNS (Corresponding Sections 395 and 397 IPC), registered at Police Station Mahesh Nagar, District Ambala (Annexure P-1).

2. As per the allegations, on the night of 28.05.2025, the complainant Rakesh Kumar along with his younger brother Ajay had gone

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towards Village Khuda on his motorbike while making search for his brother Mukesh who had informed that he had met with an accident. At about 03:00AM, when they had reached near Bhole Dharam Kanta Jagadhri Road, suddenly six youth riding on two motorbikes came from behind and intercepted them. Three of them struck blows with dandas on the person of the complainant and his younger brother and after snatching their motorbike and one mobile phone from the complainant, they fled from the spot.

3. After registration of FIR, investigation proceedings were initiated. The CCTV footages of the cameras installed in the vicinity were collected. Offence under Section 304 of BNS was added. The child in conflict with law along with the present petitioner and co-accused Amit Chauhan were apprehended. They were interrogated and suffered disclosure statements admitting their involvement in the crime. The petitioner demarcated the place of occurrence. He and co-accused Amit Chauhan were identified by the complainant. The stolen motorbike was recovered. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement suffered by child in conflict with law ‘V’ (name withheld). No recovery has been effected from him. He is in custody for a period of about 01 year. He is not required for further investigation. Trial will take considerable time to conclude. No fruitful purpose would be served by detaining him in custody any more. His involvement in two other cases cannot be considered to be a reason for denying benefit of bail to him. It is therefore argued that the

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petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that the petitioner is a habitual offender. There are chances of committing similar offences or absconding if extended benefit of bail. It is therefore argued that he does not deserve to be extended benefit of bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is on bail in other two cases registered against him. Though the allegations made out the *prima facie* case for commission of subject offences against him, however, he is in custody for a period of abut 01 year. The chances of conclusion of trial in near future are bleak as none out of 22 prosecution witnesses has been examined so far. No recovery stands effected from the petitioner. In the circumstances peculiar to the case, this Court is of the considered opinion that pre-trial incarceration of the petitioner would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception and further that pre-trial incarceration should not be a replica of post-conviction sentencing. There is no force in the contention that the petitioner may abscond or commit similar offences. Taking into consideration, the above discussed facts, this Court is of the opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19.08.2026
pry

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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