



CRM-M-36975-2026 (O&M)

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

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CRM-M-36975-2026 (O&M)

Date of decision : 22.07.2026

Rahul Sharma

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Saleem Ahmed, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

SURYA PARTAP SINGH, J.

This is second petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.10 dated 07.01.2025, for the commission of offence punishable under Sections 310(2), 311, 61(2), 238(b) of Bharatiya Nyaya Sanhita 2023, and Sections 25 and 25(8) of Arms Act, Police Station Sector-8, District Faridabad. The first petition for bail, filed by the petitioner, was dismissed as withdrawn, vide order dated 12.02.2026.

2. The abovementioned FIR came into being at the instance of 'Vinay Jain', hereinafter being referred to as 'complainant' only. It was stated by the complainant that on 07.01.2026 after opening his shop when his staff was cleaning it, at about 10:36 am, four boys came to his shop, one of whom was wearing helmet and three were muffled faced. As per complainant, two of them were armed with countrymade pistols and one



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with knife. The complainant further alleged that on gunpoint, they robbed him off of 10 kg silver, Rs.2 lacs cash, 50 gms gold and 350 gems. It was also stated by the complainant that he had resisted the abovementioned robbery and in that endeavour, when he punched the face of an assailant, he was able to see his face and would recognize him if produced before him.

3. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR in this case was lodged and the investigation taken up. According to prosecution, the petitioner was the person, who supplied countrymade pistol, which was used at the time of commission of offence.

4. **Notice of motion.**

5. Ms. Deepali Verma, Asst. A.G. Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. No custody certificate of the petitioner and formal reply have been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. Heard.

7. It has been contented on behalf of petitioner that the petitioner is already in custody from the date of his arrest, i.e. 07.11.2025, and has already suffered incarceration for a period of more than eight months. As per learned counsel for the petitioner, the petitioner was not present on the spot at the time of occurrence, and that the only role attributed to the petitioner is that he provided the countrymade pistol to the co-accused, who committed



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on gunpoint. According to learned counsel for the petitioner, nothing has been left to be recovered from the possession of petitioner, and that the trial is not likely to be concluded in near future and therefore, the petitioner is entitled to the benefit of bail.

8. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that although the petitioner was not an active participant of the incident of dacoity, but he had provided due support to the main accused and therefore, the role attributed to the petitioner is serious in nature. It has also been contended by learned State Counsel that the petitioner does not have clean antecedents, as already he is facing prosecution in six other cases.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the petitioner is already in custody for a period of more than eight months;
- ii) that the only allegation against the petitioner is that he had provided the weapon used at the time of commission of offence;
- iii) that there is nothing on record to show that the petitioner was present on the spot at the time of occurrence, or that he was part of the conspiracy;
- iv) that the benefit of bail has already been accorded to co-accused;
- v) that the only evidence, collected by the investigating agency against the petitioner is the disclosure statements of co-accused



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of the petitioner, and there is a question mark with regard to admissibility of above-mentioned statement in evidence and its credibility, as the same was recorded when the co-accused were in police custody. Since pursuant to above-mentioned disclosure statements recovery of any incriminating material or discovery of fact did not take place, *prima facie* the abovementioned statements appear to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;

- vi) that the investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences.



Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.



13. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

14. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled to the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the

satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

22.07.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No