

**CRM-M-9727-2026****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****226****CRM-M-9727-2026****Date of Decision: 27.03.2026**

Sahil @ Sahil Kumar

...Petitioner.

v.

State of Haryana

...Respondent.

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY.

Present: Mr. Gurdeep Singh Nehra, Advocate for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (Oral)

1. Petitioner, an accused in case FIR No. 158 dated 01.04.2022, registered against him under Sections 379B, 392 of Indian Penal Code and Section 25 of Arms Act, at Police Station Beri, District Jhajjar, has filed present petition under Section 483 of BNSS.

2. Relevant facts necessary for disposal of the present petition are being taken from paras 4 and 5 of the status report dated 09.03.2026 filed by way of affidavit of Anil Kumar, HPS, Assistant Commissioner of Police, Beri, District Jhajjar, be noticed hereinbelow:-

“4. On 01.04.2022, a information was received from MHC Police Station to the Investigation agency that there has been a robbery at a Liquor Vend in Sheriya. On this information investigation agency reached at the place of occurrence where



the complainant Vicky S/o Balraj R/o Village Gangtan District Jhajjar moved his written complaint in the manner that, "To SHO, Police Station, Beri, I request that my name is Vicky S/o Balraj, resident of village Gangtan, District Jhajjar, I have studied till class 7th, my age is 30 years, I have taken a liquor contract vend in village Sheriya. Today on 01.04.2022, at around 10:30 AM, I and my friend Vijay S/o Hawasin resident of Sheriya were sitting at the liquor vend, when a Pulsar bike with 3 boys riding on it stopped in front of my vend, one boy remained sitting on the bike and two boys got down from the bike and came in front of the shop, one of whom I know, whose name is Sahil (present petitioner) S/o Mahender resident of Gochhi, Sahil and another boy whom I do not know, whose mouth was covered with a cloth, came inside the shop, Sahil took out a pistol and picked up 4 100 PIPER bottles which were kept at the vend, showing the pistol towards me, took out around Rs.5800/- which were kept on the cash box and all three boys rode their bike and ran towards village Sheriya, this entire incident is recorded in the CCTV camera installed in the vend. I will present to you that Sahil and two other boys who came with him, whose names and addresses I do not know. Legal action should be taken against these three. I have informed the police station about this incident by phone.

5. *That on the basis of aforesaid complaint, the present FIR No. 158 dated 01.04.2022 was initially registered U/s 379B,*



392 of IPC and Section 25, 54, 59 of Arms Act in P.S. Beri, District Jhajjar and the investigation was set into motion.”

After the registration of the FIR, investigations were set into motion, during which place of occurrence was inspected, site plan was prepared and CCTV footage of the incident accompanied by certificate under Section 65B of Indian Evidence Act, handed over by the complainant, were taken into possession. Documents further reveal that present petitioner, namely, Sahil, son of Mohinder Singh, resident of Teshil Beri, Village Gochi, Jhajjar, co-accused Vinod alias Kala and Sachin, who had been arrested in another case bearing FIR No. 68 dated 01.04.2022, registered u/s 379B, 392, 506 of IPC and Section 25-54-59 of Arms Act, at Police Station Dujana, during the course of interrogation of the said case, confessed to their involvement in the present case. Resultantly, after securing their production warrants, they were formally arrested in the present case on 21.4.2022.

Pursuant thereto, an application for grant of bail was moved by the petitioner before the learned Additional Sessions Judge, Jhajjar. The same was allowed vide order dated 24.5.2023.

3. Brief submission of learned counsel for petitioner is that since then, petitioner had been regularly appearing before the concerned Court, however, on account certain unavoidable reasons, he (P) could not appear on the date fixed. Resultantly, in terms of order dated 16.01.2025 (Annexure P-3), his (P) bail was cancelled, bail bonds and surety bonds were also cancelled and forfeited to the State. His presence was sought to be secured through Non-bailable Warrants. Learned counsel further submits that at the relevant time, i.e., around 16.1.2025, petitioner was in fact admitted in



Rehabilitation Centre and was undergoing treatment. However, this fact could not be brought to the notice of the Court. Subsequently, on 5.4.2022, petitioner was arrested in another case bearing FIR No. 68 dated 01.04.2022, registered u/s 379B, 392, 506 of IPC and Section 25-54-59 of Arms Act, at Police Station Dujana. After securing his production warrants, he was re-arrested in the present case on 30.4.2025 and has been in custody since then.

Learned counsel further contends that petitioner did not intentionally remain absent from the Court on the date fixed, i.e. 16.1.2025, but the absence was on account of reasons mentioned hereinabove.

It is further the submission of learned counsel that lenient view deserves to be taken in favour of petitioner as the likelihood of completion of trial in the near future is quite remote, for still out of 19 cited prosecution witnesses, only 10 have been examined. When viewed in the light of the submissions advanced hereinabove, further incarceration of petitioner would not serve any useful purpose as the same would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of "*Bail is a general rule and incarceration is an exception*". Prayer for allowing the petition has been made.

4. *Per contra*, while opposing the request for grant of bail, learned State counsel submits that petitioner, a habitual offender does not deserve the relief sought for. Even on 16.1.2025, neither he (P) himself appeared nor moved any application seeking exemption from appearing in the Court. If he (P) was actually admitted in Rehabilitation Centre, this fact could have been brought to the attention of Court. Further, on the same day, i.e. 16.1.2025, 3 PWs were present but they could not be examined on account



of sudden absence of petitioner. It is further the submission of learned State counsel that given the past antecedents and record, if extended the concession of bail, likelihood of petitioner fleeing from process of justice by not appearing in the Court is quite high. Dismissal of petition has been prayed for.

5. Heard learned counsel for the parties and perused the documents on record.

6. Reverting back to the facts of the case in hand, factual aspects leading to lodging of registration of FIR have already been noticed in para 2 of this order. There is also no denying of the fact that that petitioner has remained involved in four other criminal cases, the details of which have been mentioned in para 19 of the status report. Admittedly, in the present case, out of 19 cited prosecution witnesses, only 10 have been examined. It has already been noted that since 16.1.2025, petitioner has been in custody, the prospect of completion of trial in near future is quite remote, this Court is of the opinion that his (P) further incarceration would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

7. In view of submissions advanced by learned counsel for the petitioner, but without commenting further on the merits of the case, lest it may prejudice the trial, petitioner is granted the concession of bail subject to his furnishing bail bonds and two local sureties to the satisfaction of learned



trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner will not tamper with the evidence during the trial.*
- (ii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) *The petitioner shall surrender his passport before the learned trial court and shall not leave the country without prior permission of the trial Court.*
- (iv) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (v) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) *The petitioner shall not in any manner misuse his liberty.*
- (vii) *The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (viii) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (ix) *The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be

**CRM-M-9727-2026**

-7-

at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

27.03.2026
gbs

(AARADHNA SAWHNEY)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No