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

CRM-M-16534-2026

Date of decision: 21.04.2026

OMBIR ALIAS GOLU

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Pradeep Bhardwaj, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG 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.0404 dated 16.11.2025 registered under Sections 111(3), 111(4) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(6), 25(1)(a) of the Arms Act at Police Station Tosham, District Bhiwani.

2. Brief facts of the present case, as per the prosecution, are that on 16.11.2025 police party was on a patrolling duty and acting upon a secret information apprehended the petitioner and two other co-accused persons namely Yogesh @ Yogi, Vishant @ Vishu. One country made pistol and one live cartridge was recovered from co-accused Yogesh @ Yogi, one country made pistol and one live cartridge was recovered from co-accused Vishant @ Vishu and two magazines and two live cartridges were recovered from the present petitioner. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the alleged recovery has been planted upon the petitioner by the police party and no further recovery is to be effected from him. He submits that the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 16.11.2025. The investigation in the case is complete; challan stands presented; charges have been framed, out of 13 prosecution witnesses none has been examined. He further submits that 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. Learned State counsel has filed the status report and custody certificate of the petitioner, which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she could not controvert the fact that the petitioner petitioner is a first time offender as he is not involved in any other case.

5. 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 05 months; investigation is complete; challan stands presented; charges have been framed, out of 13 prosecution witnesses none has been examined 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 would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of *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 her 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*".

7. 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.

21.04.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No