



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

227

**CRM-M-22311-2026
Decided on: 11.05.2026**

ROHIT

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Davneet Sangwaan, Advocate
for the petitioner.

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

SURYA PARTAP SINGH, J.

1. This petition is the second petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita', 2023. It has been filed with regard to a case arising out of FIR No.640 dated 28.09.2025, for the commission of offence punishable under Sections 61(2) earlier 120 A of Indian Penal Code, 1860 and 111(4) of BNS and Sections 25(6) and (7) of Arms Act, Police Station City Yamuna Nagar, District Yamuna Nagar.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of ASI Ramesh Kumar, who had reported that on 28.09.2025, when he was leading a team of police officials at Pyara Chowk, from a reliable source he received a tip-off that members of Sachin Pandit Gang, namely Rohit (the petitioner herein), Abhijeet and Mohammad Kaif were going towards Badi Majra Bridge on a motorcycle.



According to above-mentioned report, when the information was shared with other police officials and trap was laid to intercept the above-mentioned motorcycle, the above-said three persons, riding on a motorcycle, were successfully intercepted and on search of person of accused Rohit, a country made pistol along with 05 live cartridges was recovered.

3. It is the case of prosecution that in view of above-mentioned information formal FIR of this case was lodged and further investigation taken up.

4. Custody Certificate has been filed by learned State Counsel. The same be taken on record.

5. Reply has already been filed by the learned State Counsel. The same, too, be taken on record.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner nothing discriminatory has been recovered from the possession of petitioner, and that except one case, for an offence under Section 109 BNS, the petitioner has no criminal history. It has also been contended by learned counsel for the petitioner that the petitioner is already in custody for a period of seven months and ten days, and that nothing is left to be recovered from the possession of petitioner. As per learned counsel for the petitioner, in view of above, the petitioner is entitled for the benefit of bail.

8. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, the petitioner is active member of a gang headed by Sachin Pandit, who has left the country, and operating



gang from the foreign soil. As per learned State counsel a country made pistol with 5 live cartridges was found in possession of a person travelling on the motorcycle, being driven by the petitioner. According to learned State counsel, the petitioner has criminal history also, and that his custody period is barely seven months, and therefore, he is not entitled for the benefit of bail.

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 first petition filed by the petitioner was not decided on merit. Rather it was dismissed as withdrawn;
- ii) that a similarly placed co-accused has already been accorded the benefit of bail;
- iii) that nothing incriminating has been recovered from the possession of petitioner, and that except the bare allegation that he is member of Sachin Pandit Gang, there is no supportive evidence on record;
- iv) that there is no evidence on record to show any link between the petitioner and gangster Sachin Pandit;
- v) that except one case under Section 109 BNS, the petitioner has no criminal history;
- vi) that the petitioner is already in custody for a period of seven months and ten days;
- vii) that the investigation in this case is already complete and therefore, nothing is left to be recovered from the possession of petitioner;
- viii) that the trial is not likely to be concluded in near future;
- ix) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;



- x) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- xi) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate 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) 3 SCC 22, are 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. Therefore, 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 above-mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for 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

11.05.2026

Vinod

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