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

CRM-M-40938-2026
Date of Decision: 11.09.2026

SAVEJ **...Petitioner**

Vs.

STATE OF HARYANA **...Respondent**

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Deepak Kumar Bartia, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, Additional AG, Haryana.

VIRINDER AGGARWAL, J. ***(Oral)***

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C.), seeking grant of regular bail to the petitioner in FIR No. 500 dated 02.07.2025, registered under Sections 310(2) and 311 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 395 and 397 IPC) and Section 25 of the Arms Act, at Police Station Sadar Kundli, District Sonipat. Subsequently, Sections 309(4), 309(6), 111 and 3(5) BNS (corresponding to Sections 392, 394 and 34 IPC) were also added in the case qua the petitioner.

2. As per the prosecution, on the intervening night of 01/02.07.2025, complainant Satbir, along with his conductor Ajay, was travelling in his Canter bearing registration No. HR-67C-7032 from Panipat towards Kanpur, U.P., carrying goods. At about the relevant time, when they stopped their vehicle approximately 200-300 metres before the Yamuna River Bridge on the KGP Highway, three unknown persons allegedly approached them from below the highway and started giving beatings to them. It is alleged that one of the assailants was carrying a country-made pistol, which he allegedly placed on the temple of the complainant, whereas the other two were carrying iron rods.

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The assailants allegedly tore the complainant's pant and took out his purse containing ₹5,900/-, Aadhaar Card and a copy of his driving licence. On the complainant and his conductor raising an alarm and seeking assistance from passing vehicles, the assailants allegedly fled towards the fields below the KGP Highway along with the weapons. The conductor Ajay thereafter made a call on Dial 112, pursuant to which a police vehicle reached the spot. The complainant, along with the police officials, proceeded towards the fields in search of the assailants. One person was found lying injured in a ditch below the highway and, on being questioned, disclosed his name as Sahabuddin son of Babuddin, resident of District Baghpat. On the basis of the complaint submitted by Satbir, the present FIR was initially registered under Sections 310(2) and 311 BNS and Section 25 of the Arms Act against Sahabuddin and his associates.

2.1 During investigation, the present petitioner Savej was arrested on 20.07.2025 and was subsequently implicated in the present case. Sections 309(4), 309(6), 111 and 3(5) BNS were also added during the course of investigation. After completion of investigation, the final report was presented before the learned Trial Court on 16.10.2025. Charges were framed on 12.12.2025 and the case is presently at the stage of prosecution evidence.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and was not named in the FIR, which was initially registered against unknown persons. It is contended that the petitioner was arrested only subsequently on 20.07.2025 and that no specific role was attributed to him in the FIR. It is further submitted that the complainant Satbir, who is not only the author of the FIR but also the victim

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of the alleged occurrence, has appeared as PW-3 and has failed to identify the petitioner Savej. During his examination-in-chief, he specifically stated that the accused appearing through video conferencing were not the persons who had given him beatings or snatched his belongings. Learned counsel submits that the complainant has thus not supported the prosecution case on the material aspect of identification and has not attributed any role to the petitioner in the alleged occurrence.

3.1 Learned counsel further submits that the investigation stands completed, the final report has been presented, charges have already been framed and the petitioner has remained in custody since 20.07.2025. Out of 18 prosecution witnesses, only 4 have been examined so far and the trial is likely to take considerable time. Nothing further remains to be recovered from the petitioner. It is also submitted that the petitioner is involved in other cases, but has been granted bail in all such cases and has never been declared a proclaimed offender.

4. Notice of motion.

5. Mr. Ramesh Kumar Ambavta, Additional AG, Haryana, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 09.09.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 01 year 01 month and 20days.

6. Learned State counsel opposes the present petition and submits that the petitioner is involved in a serious case of armed robbery, wherein the complainant was allegedly assaulted and robbed at gunpoint. It is further submitted that the petitioner is a habitual offender and is involved in several

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other criminal cases, which reflects his antecedents and creates a likelihood of his indulging in similar offences if released on bail. Though the complainant has not identified the petitioner during his testimony, the evidentiary value of the said testimony vis-à-vis the other material collected during investigation is to be considered by the learned Trial Court.

7. Be that as it may, the petitioner has been in custody since 20.07.2025 and has already undergone considerable incarceration. The allegation attributed to the petitioner pertains to the alleged snatching of ₹5,900/-, along with other belongings of the complainant. It is also relevant that the petitioner has been implicated in the present case during investigation on the basis of the disclosure statement of a co-accused. More importantly, the complainant, who is the author of the FIR as well as the victim of the alleged occurrence, appeared as a prosecution witness during the course of trial but did not identify the petitioner. He was declared hostile and, despite lengthy cross-examination by the learned State counsel, nothing incriminating against the petitioner could be elicited from his testimony. Thus, the material witness of the prosecution has not supported the case against the petitioner on the aspect of his identity or involvement. It is further relevant that no incriminating material has been recovered from the petitioner. Though the petitioner is stated to be involved in certain other criminal cases, the pendency of such cases, by itself, cannot be made a ground to deny the concession of regular bail, particularly when the petitioner has already undergone considerable custody and the trial is likely to take time.

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8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

> *1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.*
>
> *2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.*
>
> *3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.*
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> *4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer*

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shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

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

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