

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

2026:PHHC:099377



CNR NO: PHHC010234022026

**CRM-M-8329-2026 (O&M)
Date of decision:21.07.2026**

Gourav @ Gaurav @ Gorav

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.42 dated 16.07.2020, registered under Sections 147, 148, 149, 307, 302 and 326 of IPC and Section 25 of the Arms Act, at Police Station GRP Hisar GRP Ambala, District Hisar.

2. The aforementioned FIR was initially registered under Sections 147, 148, 149, 307 and 326 of IPC and Section 25 of the Arms Act, on the basis of a written complaint submitted by complainant – Neeraj,

alleging therein that on 16.07.2020, he along with one Dharmender was going towards his house. While crossing the railway line, they saw the petitioner accompanied by co-accused Kamal, Raman, Arjun @ Ghoda and Jambo @ Deepak, while causing injuries to Shamsheer and Pawan by using sharp edged weapons. The complainant and Dharmender rushed for their rescue but assault was opened by the assailants upon them as well. The complainant somehow managed to flee and sometime thereafter, when he went back to stop them, he found Dharmender, Pawan and Shamsheer to be lying there in an injured condition. They were taken to the hospital. Victim Dharmender succumbed to the injuries sustained by him. The post mortem examination on the dead body of victim Dharmender was conducted. The petitioner and co-accused Kamal and Arjun @ Ghoda were arrested on 16.07.2020. They suffered disclosure statements admitting their involvement in the crime and took the names of other assailants. The petitioner got recovered the sword used by him at the time of occurrence and demarcated the place of occurrence. Other co-accused were arrested subsequently. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody for a period of about 06 years. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in another case cannot be considered to be a reason for denying benefit of bail to him. All the other co-accused have since been extended benefit of bail. On parity, he too deserves to be

given the same benefit. His prolonged incarceration militates against his fundamental right of personal liberty as envisaged under Article 21 of the Constitution of India. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

4. Per contra, learned State counsel has vehemently argued that taking into consideration the gravity of the allegations as levelled against the petitioner and coupled with the fact that the trial is at its fag end as well as the part played by the petitioner, he does not deserve to be extended the benefit of bail.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is further alleged to have voluntarily caused injuries to the victim, which resulted in his homicidal death. The allegations make out a *prima facie* case for commission of subject offences as against him. However, the petitioner has remained in custody for a period of about 06 years. The trial will take some more time to conclude. The period of his incarceration has been prolonged, thereby affecting his right of speedy trial as enshrined under Article 21 of the Constitution of India. In a recent verdict pronounced by the Hon'ble Apex Court on 29.04.2026 in **Special Leave Petition (Criminal) No.7416-2026** titled as **Vaibhav Singh Vs. State of Uttar Pradesh**, it has been observed that even in a case of heinous crime, if an accused is denied his right of speedy trial and is languishing in jail for years

together for no fault on his part, he cannot be kept in jail for indefinite period. Similarly situated co-accused has been extended benefit of bail. The principle of parity weighs in favour of the petitioner.

7. In the light of the foregoing legal principle of law and other circumstances as discussed above, this Court is of the considered opinion that the petitioner has made out a case for release on bail at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

(ii) he shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.
9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

21.07.2026
Parveen Sharma

(MANISHA BATRA)
JUDGE

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