



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-15582-2026

Date of decision: 20.07.2026

Date of uploading: 20.07.2026

Jagdish @ Jaggu

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sanchit Punia, Advocate for the petitioner(s).

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 425 dated 17.06.2025 registered for the offences punishable under Sections 103(1), 3(5) of BNS 2023, at Police Station City Hansi, District Hisar.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“First Information Contents:

To the S.H.O., City Police Station Hansi. Subject: Request for taking legal action against Jagdish alias Jaggu, son of Dayanand, resident of Krishna Colony, the street adjacent to Diwan Pede Wala, Hansi, and 3-4 other persons. Sir, I, the applicant, state as under 1. That I, the applicant is a resident of Ganja Bag near Umra Gate, Hansi, District Hisar. 2. That on 26.05.2025, at around 8:00-8:30 AM, my son Rohit left home stating he was going to work. My younger son, Tushar, who works in mobile repairing at Gehlawat Mobile on Bhagat Singh Road, saw my elder son Rohit

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passing in front of his shop at around 3:00-3:15 PM. At that time, my son was sitting on the back of the aforementioned accused's black Platina motorcycle. The Platina motorcycle had a mirror on the right side but no mirror on the left side. We have the footage of this. The aforementioned accused was taking my son away on his motorcycle. My family and I kept waiting for my son Rohit to return at night, but he did not come home. The accused and my son were known to each other. 3. That the next morning at around 11:00 AM, policemen in Civil dress came to our house and informed me that my son's dead body was found behind some bushes near a dilapidated shop near the Grain Market, Hansi. They asked me to come and identify him. The police also stated that they were taking the dead body to the Civil Hospital, Hansi, and that I should come there to identify my son's body and take it. 4. That thereafter, I took my younger son Tushar and his friend Sandeep to the Civil Hospital, Hansi. Upon reaching and identifying the deceased, it was confirmed to be my son Rohit. Subsequently, the doctors at the Civil Hospital conducted the post-mortem of my son on 27.05.2025, at around 5:00 PM. A total of 4 injuries were found during the post-mortem, which caused my son's death. Two bones in my son's neck were found broken, a fracture was found in his left hand, and an injury was found on the inner side of the right thigh. Another injury was also reported on the head. 5. That my son had a Vivo company mobile phone with IMEI No. 86352104575999, which has not been recovered to date, containing an Airtel SIM card with No. 9518406186. Therefore, I request you that I have full suspicion that my son has been murdered by the aforementioned accused and his other associates. Legal action should be taken against the accused and his associates in the murder case of my son, and the accused should be interrogated to find out who else was with him at that time. Strict action should be taken against the accused and his associates, and justice should be delivered to me. Police Hansi Dated: 17.06.2025 SD/ Prem Sharma 17/6/25 Applicant: Prem Kumar Sharma, son of Shri Janardhan Sharma, resident of Ganja Bag, Hansi, Tehsil Hansi, District Hisar.”

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 18.06.2025. counsel appearing for the petitioner

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has further submitted that the case in hand is not one of eye witness account. Learned counsel appearing for the petitioner has further submitted that as per the initial version of the complainant, the deceased went missing on 26.05.2025 and his body was identified on 27.05.2025 and no suspicion was raised by the father of the deceased/FIR-complainant at that time. He has further argued that subsequently, the FIR in question was registered on 17.06.2025. Learned counsel appearing for the petitioner has further submitted that the best evidences available against the petitioner is in the form of a last-seen witness and as also the disclosure statement made by the petitioner himself. Learned counsel appearing for the petitioner has further submitted that the petitioner is a man aged 32 years. Thus, regular bail is prayed for.

4. State has filed status report dated 04.05.2026 by way of affidavit of Deputy Superintendent of Police, HQ Hansi, District Hansi. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.07.2026 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.06.2025 whereinafter investigation was carried out and challan has been presented on 28.08.2025. Total 26 witnesses have been cited and it is the concede position before this

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Court only 3 witnesses have been examined till date. It is not in dispute that the conclusion of trial will take long. At this juncture, it would be apposite to refer herein to the dicta passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

The rival contentions raised at the Bar; including the weightage required to be attached to the testimony of the last-seen witness, the weightage required to be attached to the disclosure statement of the petitioner & the explanation furnished by the State for the delay in the registration of the FIR in question, from 26.05.2025, i.e., when the deceased went missing, to 17.06.2026, i.e., the date when the FIR was registered; give rise to debatable issues which shall be ratiocinated upon during the course of the trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought

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forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 13.07.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 1 year and 25 days & is stated to be involved in one more FIR. However, this factum cannot be a ground sufficient by itself to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.

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- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.

(SUMEET GOEL)
JUDGE

20.07.2026

Naveen

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