



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22485-2026

Date of decision: 20th July, 2026

Gian Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kinshuk Nanda, Legal-aid counsel for the petitioner.

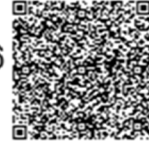
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 188 dated 27.11.2024 registered under Sections 103(1), 238(A) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Shahzadpur, District Ambala.

2. The aforementioned FIR was registered on the basis of the statement recorded by the complainant-Gurcharan Singh alleging therein that on 26.11.2024, his brother-Maan Singh had left home on his motorcycle after informing the family that he was going to Panchkula for some personal work. In the evening, he informed his wife over the phone that he would return home the next morning. Thereafter, his mobile phone was found to be switched off

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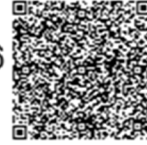


and he could not be contacted. On the morning of 27.11.2024, upon receiving information that the dead body of his brother, Maan Singh was lying in the area of Village Bapoli, the complainant rushed to the spot and found injuries on the person of the deceased. His mobile phone and the money kept in his pocket were also found to be missing.

3. After registration of the FIR, investigation proceedings were initiated. The post-mortem examination of the dead body of the deceased was conducted. During the course of investigation, it transpired that the deceased had been in an illicit relationship with one Rani. He had solemnized his marriage about two to three months prior to the occurrence. It was further revealed that the said Rani had been pressurizing the deceased and forcing him to marry her. It also came to light that she was missing from her known address and had been residing with the present petitioner. The petitioner was apprehended on the basis of suspicion on 29.11.2024. During interrogation, he suffered disclosure statement admitting his involvement in the murder of the victim. On his disclosure statement, Rani was nominated as co-accused and was also arrested. Her disclosure statement led to the demarcation of the place of occurrence. It was further revealed that the mobile phone used by Rani contained details of calls made to the victim and that she was also in contact with the petitioner.

4. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He was not named in the FIR. It has further been contended that the alleged recovery has been falsely planted

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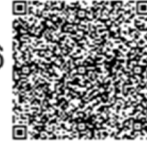
upon him. He has been in custody since long. The trial is likely to take considerable time to conclude, as no prosecution witness has been examined so far. His antecedents are clean. His further incarceration would not serve any useful purpose. Therefore, it is argued that he deserves to be released on regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the prayer for bail and submitted that, keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve the concession of regular bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner is alleged to have entered into a criminal conspiracy with co-accused Rani, with whom he was allegedly having a relationship. In pursuance of the said conspiracy, he, along with the co-accused, is alleged to have strangled the victim with a rope and thereafter thrown his dead body in the bushes near Village Bapoli. Thus, the allegations levelled against the petitioner are grave in nature and *prima facie*, indicate his complicity in the commission of the offence of murder of the victim. Undisputedly, he is in custody for a period of over 01 year and 07 months, his prolonged incarceration, by itself, is not a sufficient ground to grant him the

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concession of regular bail. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. The allegations against the petitioner are serious in nature as he along with the co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 103 of BNS. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering

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with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. Gravity of the allegations is an important factor for grant/denial of concession of bail. It is well settled law that mere long period of incarceration in jail would not be *per se* a ground for grant of bail, if the offence is serious in nature. In view the discussion as made above, this Court is of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th July, 2026
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No