

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:091825



CRM-M-23631-2026 (O&M)  
Date of decision:10.07.2026

Neeraj

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. N.K. Malhotra, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

**Manisha Batra, J. (Oral).**

1. The instant one is the second petition (wrongly mentioned as the first petition in the headnote of the petition) 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.164, dated 11.03.2023, registered under Sections 302, 341, 506 and 34 IPC and Section 25 of the Arms Act, at Police Station Shivajit Colony Rohtak, District Rohtak. His previous petition bearing CRM-M-No.41275-2025 had been dismissed by this Court vide order dated 31.10.2025 by making the following observations:

*“The petitioner along with the co-accused is alleged to have wrongfully restrained victim Parveen on 10.03.2023 and caught hold of him, whereas co-accused Amarjeet is alleged to have struck blow with knife on his person. The injury sustained by the victim on his chest led to his death. The petitioner had*

*actively participated in the occurrence by wrongfully restraining the victim and catching hold of him. The allegations against him are serious in nature. The complainant was not an eyewitness to the occurrence and, therefore, the fact that he did not say anything against the petitioner does not help him. Eyewitness Naveen is yet to be examined. Keeping in view the nature of the allegations as levelled against the petitioner, the part attributed to him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve to be released on bail. Accordingly, the petition is dismissed.”*

2. It is argued by learned counsel for the petitioner that he has been in custody for a period of over 03 years and 03 months. The trial is likely to take considerable time to conclude. PW Naveen, who was an eyewitness to the occurrence, has since been examined. There are no chances of intimidating the material witnesses. His prolonged incarceration militates against his fundamental right enshrined under Article 21 of the Constitution of India. Each day spent by him in custody has furnished a new ground to him to seek concession of bail. It is, therefore, argued that the petition is maintainable and deserves to be allowed.

3. Per contra, learned State counsel, while relying upon the status report has argued that the present petition is not at all maintainable as the previous petition as filed by the petitioner had been dismissed by passing a detailed order on 31.10.2025. The allegations against the

petitioner are serious in nature. He was one of the active participants in the occurrence. The trial is going at a proper pace since as many as 11 out of 20 prosecution witnesses have been examined. PW Naveen has fully supported the prosecution version by saying that the petitioner had caught hold of him whereas co-accused Amarjeet had stabbed the victim, thereby causing his death. It is, therefore, stressed that the petition does not deserve to be allowed.

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

5. The petitioner along with the co-accused is alleged to have wrongfully restrained the victim. Co-accused Amarjeet had inflicted blows with a knife on the person of the victim whereas the present petitioner accompanied him, had caught hold of PW Naveen, who has fully supported the case of the prosecution. It cannot be stated that there would be any undue delay in conclusion of trial as number of witnesses have already been examined. The allegations are quite grave in nature. Undoubtedly, the petitioner is in prolonged custody, however, in heinous crimes like the present one, an accused cannot be held entitled to seek concession of bail as a matter of right only on account of his prolonged incarceration. The petitioner stands accused of a heinous crime punishable with capital punishment or life imprisonment. It is also 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 with evidence or threatening the material witnesses 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. It is also well settled proposition of law that mere prolonged period of custody is not a sufficient ground 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).**

6. In the light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

7. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)**  
**JUDGE**

**10.07.2026**

*harjeet*

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