

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

2026:PHHC:090449



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**CRM-M-25482-2026 (O&M)
Date of decision: 06.07.2026
Date of uploading: 06.07.2026**

Ankush

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Ashit Malik, Senior Advocate with
Mr. Abhinav Kansal, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No. 50, dated 31.01.2025, under Section 127(6) of BNS 2023 [Sections 103(1), 3(5), 238A of BNS 2023 added later on], at Police Station Kurukshetra University, District Kurukshetra.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“It is requested that I am Praveen Kumar son of Kashmir Singh resident of village Barwa and on 29-01-2025, my brother Krishna Kumar had gone to our village at around 10.00 pm to collect Rs. 43000 given by him to Ankush son of Satish resident of Barwa and Deepu son of Amar Singh resident of Chidav Karnal. My brother Krishna has not come home yet and neither have I been able to get my brother Krishna's phone since then. We went to Ankush Kumar's house to inquire about my brother but neither could I find Ankush Kumar there nor could I get Ankush Kumar's phone. My brother Ankush Kumar had mortgaged his bike and given the money to Ankush Kumar, till now we have been searching for our brother Krishna Kumar on our own, the description of my brother Kumar is as follows Krishna dark complexion, slim and agile body, height 5 feet 8 inches, age 28 years, my brother is wearing a black cap on his head, blue lower and a green sheet. My brother Krishna Kumar should be searched.

SD/- Praveen Kumar

Praveen Kumar son of Kashmir Singh

Resident of Barwa Mobile No. 8930297772.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since on 06.02.2025. Learned counsel appearing for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question on the account of the suspicion raised by the complainant-side. Learned counsel for the petitioner has further argued that the case in hand is one of circumstantial evidence. He has further submitted that the challan (charge-sheet) upon culmination of investigation already stands filed. He has further argued that culmination of trial will take long, since the complainant -side has filed an application under Section 358 of BNSS 2023 (erstwhile Section 319 Cr.P.C.) for summoning of an additional accused. Learned counsel has further

submitted that the petitioner has suffered incarceration for more than 1 year and 4 months. Thus, regular bail is prayed for.

4. Upon being called, the State has filed reply dated 30.06.2026 by way of affidavit of Deputy Superintendent of Police, Headquarter, Kurukshetra, relevant whereof reads thus:

“That the main role of petitioner/ accused in the present case is that he along with co-accused of present case called the deceased Krishan Kumar and forcefully seat him in their car and taken the deceased towards Karnal and consumed alcohol in the way and petitioner/ accused also disclosed that deceased Krishan Kumar having affair with one girl of his family and they were also having money dispute with deceased, hence the petitioner/ accused along with co-accused of present case in the car pressed the throat of deceased Krishan Kumar with rope and committed the murder of deceased and to destroy his body they were thrown the dead body in Ramba Canal, hence petitioner/ accused along with co-accused of present case has committed crime of serious nature and not entitled for any relief as claimed in the present petition and same is liable to be dismissed.”

Raising submissions in tandem with the said reply, learned State counsel has vehemently opposed the present petition by arguing that the allegations raised are serious in nature and, hence, the petitioner does not deserve the concession of regular bail. He seeks to place on record custody certificate dated 03.07.2026, which is taken on record.

4.1. Learned senior counsel appearing for the complainant has vehemently opposed the grant of bail to the petitioner by arguing that the petitioner not only had a motive, but he also tried to cover up his foot-prints in committing the crime by cooking up a false story that he had gone to Mata Vaishno Devi (Jammu) and, thus, tried to intentionally mislead the investigating agency. Learned senior counsel has further argued that since the

petitioner has shown his inclination for misleading the prosecution/investigating agency, there is all the likelihood that he may flee from the process of justice as also interfere with the prosecution evidence. He has further argued that a photocopy of the Aadhaar Card of the petitioner was found in the pocket of the deceased when his body was recovered; which further goes on to point out towards the complicity of the petitioner qua the offence in question. Thus, dismissal of the petition in hand is entreated for.

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

6. It is not in dispute that the petitioner came to be arrested on 06.02.2026 whereinafter investigation was carried out and challan was presented on 02.05.2026. Total 26 prosecution witnesses have been cited and out of which only five have been partly examined till date whereinafter an application under Section 358 of BNSS 2023 (erstwhile Section 319 Cr.P.C.) has been preferred by the complainant-side for summoning of an additional accused. Thus, it is indubitable that conclusion of trial will take long. From the factual milieu of the case in hand, it appears that the case in hand is one of circumstantial evidence. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of 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 forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

Further as per custody certificate filed today, the petitioner has suffered incarceration for a period of 1 year, 4 months and 25 days and is not shown to be involved in any other case/FIR, but perusal of the reply filed by the State reflects thus:

“9. That the petitioner/ accused is habitual for committing crime as two more criminal cases are found registered against the petitioner/ accused and details of the same is given as under for kind perusal of this Hon'ble Court:

i). FIR no.140 dated 27.04.2017 under Sections 188 IPC and 3 PDP Act, Police Station Ladwa, District Kurukshetra. Convicted vide order dated 21.11.2022.

ii). FIR no.387 dated 13.09.2018 under Sections 283, 337 IPC, Police Station Indri District Karnal. Acquitted vide order dated 08.04.2023.”

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, the further detention of the petitioner in custody is not warranted in the facts and circumstances of the case.

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

- (i) The petitioner shall not mis-use the liberty granted.
- (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 cell phone 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/Illaq 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 CJM/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 off.

(SUMEET GOEL)
JUDGE

July 06, 2026
Naveen

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