



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

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CRM-M-33237-2026

Date of decision: 15.07.2026

Date of uploading: 15.07.2026

Ravi @ Dalda

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Ketan Antil, Advocates
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.357 dated 01.07.2021 registered for the offences punishable under Sections 302, 379-B, 397 of IPC (Sections 103, 304 and 311 respectively in BNS) and Sections 25 & 27 of the Arms Act, 1959, at Police Station Shivaji Colony, District Rohtak.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To: The SHO, Shivaji Colony Police Station, Rohtak. Respected Sir/Madam, I, Poonam-wife of Saurabh and a native of Phulapur (District Mainpuri, UP), currently residing in Mukhija Colony, Panipat-hereby submit the following petition. I had traveled to Phulapur, UP, to attend the wedding of my brother-in-law, Santosh. Yesterday, on the evening of June 30, 2021, at approximately 8:30 PM, I spoke with my husband, Saurabh, over the phone. I informed him that I had departed from Sirsaganj-along with my two daughters, Neshi and Khushboo-and requested that he come to the Rohtak Bypass to pick us up at around 3:00 AM. Subsequently, at

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approximately 3:00 AM, having traveled via Sirsaganj, Palwal, Farrukhnagar, and Jhajjar, I disembarked at the Rohtak Bypass near Jalebi Chowk, adjacent to the ESSAR petrol pump on Jhajjar Road. I then attempted to call my husband, Saurabh, but I could hear his phone ringing somewhere nearby. Upon looking around, I discovered Saurabh lying on the ground near the road by the petrol pump. Upon closer inspection, I observed that Saurabh had sustained a gunshot wound to his back, near the neck, and blood was flowing from his mouth; he lay dead on the ground. My husband had come from Rohtak to pick us up in a friend's car; however, certain unidentified individuals shot and murdered him, dumped his body on the road, looted the vehicle, and fled the scene. I request that appropriate legal action be initiated against these unidentified individuals."

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 09.09.2021. Learned counsel appearing for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that all the private prosecution witnesses stand examined and thus, there is no chance of the petitioner interfering with the prosecution evidence. Learned counsel appearing for the petitioner has further argued that there is no tangible prosecution evidence available on record so as to warrant the petitioner's custody. Learned counsel has further urged that two co-accused namely Vikas and Manish have already been granted the concession of regular bail by this Court vide order dated 12.01.2026 (Annexure P-2) & 02.04.2026 (Annexure P-3). Learned counsel appearing for the petitioner has further iterated that the petitioner has suffered incarceration as an undertrial for more than 4 years & 10 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus,

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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 09.09.2021 whereinafter investigation was carried out and challan was presented on 17.11.2021. Total 32 prosecution witnesses have been cited and 28 stand examined till date. The very premise for the continued incarceration of the petitioner is significantly attenuated. The apprehension of the petitioner influencing or tampering with the prosecution witnesses, a common ground for denial of bail, is rendered largely moot in such circumstances. As the venerable legal maxim goes '*Cessante ratione legis, cessat ipsa lex*'- when the reason for the law ceases, the law itself ceases-duly encapsulates within its ambit, the factual milieu of the instant case. The primary rationale for pre-trial detention, securing the integrity of the prosecution's case and ensuring the accused's presence at trial, is substantially diminished when the evidentiary phase of the prosecution is virtually complete. Furthermore, it is a cardinal principle of criminal jurisprudence that the right to a fair trial is paramount, an indispensable facet of which is the accused's opportunity to present a robust defense. Although the right to lead defence by an accused is regulated by Section 233 of Cr.P.C, *nonetheless*, it is one of the most valuable rights. A criminal trial is not a one-sided affair, it embodies the adversarial system where both the prosecution and the defense must be afforded an equal, if not greater, opportunity to substantiate their respective cases. To effectively exercise this inalienable

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right to lead defense evidence, the physical liberty of the accused is often an essential factor. A person confined to custody faces considerable impediments in consulting with legal counsel, gathering defense witnesses, and preparing their strategy. Denial of liberty at this advanced stage, when the prosecution's evidentiary edifice is almost complete, can severely cripple the defense, thereby striking at the very root of a fair trial. *Audi alteram partem* -hear the other side- is a fundamental dictate of natural justice, and denying bail when there's no palpable risk of witness tampering would be to render this maxim nugatory. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in '**Gudikanti Narasimhulu and others versus Public Prosecutor, High Court of Andhra Pradesh**', 1978 AIR (SC) 429, relevant part thereof reads as under:

"11. We must weight the contrary factors to answer the test the reasonableness, subject to the need for securing the presence of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare of present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be demoted."

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.

6.1. As per custody certificate dated 13.07.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 04 years, 10 months and 5 days & is shown to be involved in multiple other FIRs.

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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.
- (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.

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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

15.07.2026
Naveen

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