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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34451-2026

Date of Decision: 28.07.2026

DHARMENDER ALIAS MALYA

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. R.K. Chaudhary, Advocate
for the petitioner.

Mr. Karan Veer Singh, Senior DAG, Haryana.

VIRINDER AGGARWAL, J. (Oral)

Mr. R.K. Chaudhary, Advocate puts in appearance on behalf of the appellant and has filed his Vakalatnama with no objection from the previous counsel, which is taken on record.

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) seeking the concession of regular bail in case bearing FIR No. 159 dated 18.04.2018, registered at Police Station NIT, District Faridabad, under Sections 148, 149, 379-B and 506 of the Indian Penal Code, 1860 (corresponding to Sections 191(3), 190, 304 and 351(2) of the Bharatiya Nyaya Sanhita, 2023) and Sections 25 of the Arms Act, 1959, during the pendency of the trial.

2. The prosecution case, as set out in the FIR, is that on the intervening night of 17/18.04.2018, at about 1:30 a.m., complainant Rishi Pal returned home from work and noticed two unknown persons sitting in a Swift car near his residence who were allegedly creating a nuisance. Upon being



asked not to do so, they informed him that they knew Rahul and soon thereafter left the spot. About ten minutes later, Rahul received a telephone call from one of them, who invited him to celebrate his birthday at an OYO room situated at House No. 94, Sector-21B, Faridabad, and specifically asked him to bring the complainant along. Accordingly, the complainant, Rahul and Chander Prakash went to the said OYO room. It is alleged that after they reached there, Dinesh Pandit and Anuj Bhadana started abusing and assaulting the complainant. Thereafter, 15-20 other persons allegedly emerged from another room and attacked the complainant and his companions with bottles and the butts of pistols, causing injuries to them. It is further alleged that Dinesh Pandit was carrying a pistol and, at the instigation of Anuj Bhadana, attempted to shoot the complainant and his companions with an intention to kill them; however, the weapon did not fire. During the occurrence, the accused allegedly snatched the complainant's mobile phone bearing SIM No. 8744016763 and cash amounting to ₹5,700, damaged the mobile phones of the complainant and Rahul, and also took away ₹10,500. Before leaving the spot, the accused allegedly threatened the complainant and his companions with dire consequences. Thereafter, the complainant informed the police by calling the emergency helpline, and all three injured persons were medically examined at B.K. Hospital, Faridabad. On the basis of the complaint submitted by the complainant, present FIR was registered. During the course of investigation, the petitioner was nominated as an accused and, upon completion of the investigation, the final report (challan) was presented before the learned Trial Court.



3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the petitioner is not named in the FIR and was implicated during the course of investigation. The petitioner was arrested on 11.06.2018 and was granted the concession of regular bail by the learned Additional Sessions Judge, Faridabad, vide order dated 08.07.2022, after completion of the investigation. It is submitted that the petitioner remained on bail for a considerable period and regularly appeared before the learned Trial Court. However, the concession of bail was cancelled vide order dated 20.01.2026 solely on account of his non-appearance on one date of hearing. Learned counsel submits that the absence of the petitioner was neither deliberate nor intentional, but occurred inadvertently on account of noting an incorrect date. It is further submitted that thereafter the petitioner was arrested in another criminal case on 09.03.2026 and has remained in judicial custody since then. An application was also moved before the learned Trial Court seeking issuance of production warrants, specifically informing the Court that the petitioner was lodged in District Jail, Neemka, Faridabad, in connection with another case, whereupon production warrants were issued. It is, therefore, contended that the petitioner never intended to evade the process of law.

3.1 Learned counsel further submits that the investigation in the present case stands concluded, the final report (challan) has already been presented before the learned Trial Court and charges have been framed. No further recovery is to be effected from the petitioner and he is no longer required for custodial interrogation. It is argued that despite the FIR having been registered in the year 2018, the trial has made no meaningful progress, as



not even a single prosecution witness has been examined till date and the matter is presently fixed for prosecution evidence. It is, therefore, contended that the conclusion of the trial is likely to take considerable time and the continued incarceration of the petitioner would amount to pre-trial punishment. Learned counsel further submits that the petitioner undertakes to appear before the learned Trial Court on each and every date of hearing, shall not influence any prosecution witness or tamper with the evidence, and shall abide by any condition that may be imposed by this Court while granting the concession of regular bail. Accordingly, prayer has been made for grant of regular bail to the petitioner.

4. Notice of motion.

5. Mr. Karan Veer Singh, Senior DAG, Haryana, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 27.07.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 05 months and 29 days.

6. Learned State counsel, while opposing the prayer for grant of regular bail, submits that the allegations against the petitioner are grave in nature. It is contended that though the petitioner was granted the concession of regular bail by the learned Additional Sessions Judge, Faridabad, vide order dated 08.07.2022, he failed to abide by the conditions thereof. It is further submitted that the concession of bail was cancelled vide order dated 20.01.2026 on account of his non-appearance before the learned Trial Court. Learned State counsel further submits that the petitioner is involved in other criminal cases and, during the period he remained on bail, he allegedly got



himself involved in another criminal case as well, wherein he was arrested and has remained in custody. It is, thus, argued that the conduct of the petitioner does not entitle him to the discretionary relief of regular bail. Accordingly, prayer has been made for dismissal of the present petition.

7. Be that as it may, the petitioner was initially granted the concession of regular bail by the learned Additional Sessions Judge, Faridabad, vide order dated 08.07.2022, which was subsequently cancelled on 20.01.2026 on account of his non-appearance before the learned Trial Court. It has, however, been explained that the petitioner was arrested in another criminal case and has remained in judicial custody since 09.03.2026. The investigation in the present case stands concluded, the challan has already been presented before the learned Trial Court and charges have been framed. No further custodial interrogation of the petitioner is required. Furthermore, despite the FIR being of the year 2018, not even a single prosecution witness has been examined till date and the trial is likely to take considerable time to conclude. In these circumstances, this Court is of the considered view that the petitioner deserves to be enlarged on regular bail. However, it is made clear that the petitioner shall remain present before the learned Trial Court on each and every date of hearing unless exempted in accordance with law, and any unjustified absence or misuse of the concession of bail shall entitle the prosecution to seek cancellation of bail in accordance with law.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent



until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

- 1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.*
- 2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.*
- 3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.*
- 4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the*

correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

28.07.2026
kv

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