



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-35270-2026

Date of decision: 23.07.2026

Date of uploading: 23.07.2026

Sumit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Krishan Singh, Advocate for the petitioner(s).

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 153 dated 17.05.2024, registered for the offences punishable under Section 346 of the Indian Penal Code, 1860 (later Sections 302, 328, 201 and 120-B of the Indian Penal Code, 1860 were added), registered at Police Station Parao, Ambala Cantt., District Ambala.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“First Information Contents:

Copy of writings as follow, that To, Incharge Lal Kurti, Police Station Parao, District Ambala., Sir, its been prayed that I Sandeep Kumar son of Shri. Late Satpal Singh permanent resident

of Village Paachi Jattana, Police Station Ganaur, District Sonipat., and lives with my family in rented house at A1/4 Sector 03(R) Rohini, Delhi 110085 and do the work of sale purchase of mobile. My elder brother Deepak alias Seetu is married. Who has two son that my brother used to do the work of property dealer in Ganaur and woman named Reena also used to work in Sahara Company in Ganaur. That both used to have financial transactions. That ¼ years ago Reena had shifted from Ganaur to a rented house no. 784, Sector 10, Ambala City. Where my brother used to visit. Reena had got Rs. 3 Lakh of my brother lend to her nephew Sumit. That my brother went from house on dated 15.05.2024 time around 05:30 PM to Ambala to get money from Reena after telling. That my brother did not return home, tried to call his number several time, which was off. Then we contacted Reena's Mobile Number 9896121908, who told that Deepak came to me on dated 15.05.2024 time around 09:20 to get money. That on same night time around 12:30 AM, Deepak started asking me for going home that I have to go home, then that very time I and my nephew Sumit after sitting in his car Number HR01AX5613 by giving him Rs. 3 Lakh, dropped near Ambala Bus Stand and had gone to our house. I don't know that he went to his house or had gone to somewhere else. My brother wear lemon coloured Shirt and Blue coloured Jeans, and Sports Shoes. My brother has whitish complexion, round face, hair fallen from front of forehead, height 5 ft 5 inch age 41 years. My brother did not come back to his house till today and we are searching my brother on our own in our relatives and here and there. Regarding which not found any information. That my brother should be searched. SD Sandeep Kumar son Shri. Lt Satpal Singh Village Paanchi Jatana, Police Station Ganaur, District Sonipat M. NO 9625326458 dated 17.05.2024 Police Proceedings:- today I HC HGH Singara Singh No. 432 present Police Station that this time Sandeep Kumar son Shri. Late Satpal Singh resident of Village Panchi Jatana, Police Station Ganaur, District Sonipat M. No. 9625326458 along with his relatives came present in Police Station and presented above stated application. That as per the application, on finding offence under section 346 of IPC, after writing complaint for registration of case through HGH Singara Singh No. 432 has been sent to Police Station. After registering the case should be

informed with case number. I, HC along with complainant goes to place of occurrence. Today: Police chonki Lal Kurti, Ambala Cantt SD Krishan Lal HC Police Chonki Lal Kurti Police Station Parao dated 17.05.2024 AT 7.30 PM today Police Station - above stated complaint, on receiving through HGH Singara Singh No. 432, case no 153 dated 17,05.2024 under section 346 of IPC at Police Station Parao District Ambala has been registered, copy of Police file and original copy for further investigation has been handed to HGH Singara Singh No. 432 and sent to investigator. Copies of First Information Report via post has been sent in service of officers. Record Police station as law. Officer Incharge has been informed about circumstances. This Case has been registered in presence of S.I Pawan Kumar Police Station Parao District Ambala.”

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 18.05.2024. Learned counsel appearing for the petitioner further submits that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that the case in hand is not one of eye witness account. Learned counsel for the petitioner has further argued that all prime private prosecution witnesses stand examined. He has further argued that co-accused namely Reena has already been granted the concession of regular bail by this Court vide order dated 12.05.2026 passed in CRM-M-25488-2026 (Annexure P-3). Learned counsel for the petitioner has further argued that the petitioner has already suffered incarceration for a period of more than 2 years and 2 months. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has vehemently opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular

bail. Learned State counsel seeks to place on record custody certificate dated 21.07.2026 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 18.05.2024 and is stated to be in continuous custody since then. Upon culmination of investigation challan was presented on 13.08.2024 wherein total 21 prosecution witnesses have been cited and out of which 6 have been examined whereas 3 have been given up till date. It is not in dispute before this Court that all prime private prosecution witnesses stand examined. The rival contentions raised at the Bar, give rise to debatable issues which shall be ratiocinated upon during the course of the 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.

As per custody certificate dated 21.07.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 2 months and 1 day & is stated to be involved in one more FIR under the Excise Act. 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.

8. In case of breach of any of the aforesaid conditions, and those which may be imposed by the concerned Trial Court/Duty Magistrate as directed hereinabove, or upon showing any other sufficient cause, the State/complainant shall be at liberty to move for cancellation of the petitioner's bail.

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 stand disposed of.

(SUMEET GOEL)
JUDGE

23.07.2026
Naveen

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