



CRM-M-70875-2025(O&M)

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

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CRM-M-70875-2025(O&M)

Date of Decision: 13.07.2026

SANDEEP

... PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Ms. Gagandeep Kaur, Advocate for the petitioner.

H.S. Grewal, J.(Oral)CRM-50996-2025

Allowed as prayed for.

Main case:

1. This petition has been filed under section 439 Cr.P.C for grant of regular bail in case/FIR no. 41 under Sections 346 IPC and Sections 302 read with Sections 34/120-B, 201, 202 (added later on) of the IPC dated 29.02.2024 registered at Police Station Sahlawas, District Jhajjar.

2. The case of the prosecution is that on 29.02.2024, while ASI Sukhbir Singh along with EASI Rajesh was present near Railway Fatak, Jharli on routine patrolling duty, the complainant, Sandeep (the applicant-accused), submitted a written complaint stating that his uncle, Mahender Singh, who lived alone in Village Gorla, had left his house on 27.02.2024 at about 12:00 noon without informing anyone and had not returned. Despite search, his whereabouts remained unknown, leading the complainant to suspect that his uncle had been kidnapped, whereupon an FIR under Section 346 IPC was



registered. Thereafter, on 04.03.2024, while the police party was present at Sasroli Chowk, Ex-Sarpanch Rajesh Kumar informed the police that a dead body wrapped in cloth was lying near the culvert of the lake in Village Bhindawas. Acting on the information, the police reached the spot, where Rajesh Kumar disclosed that Mahender Singh had not gone missing but had allegedly been murdered by his family members. The police recovered the wrapped dead body, which was identified as that of Mahender Singh. Consequently, offences under Sections 302, 201 and 34 IPC were added to the FIR and the accused persons were arrested.

3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and that there is no cogent material on record to connect him with the alleged offence. She further submits that a co-accused has already been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 02.07.2025 passed in CRM-M-29800-2025. It is further submitted that the petitioner has been implicated solely on the basis of the statement of Rajesh, the then Sarpanch of the village, who merely stated that he had heard from certain villagers that the deceased had been killed by the petitioner owing to a family dispute. Thus, the implication of the petitioner rests on hearsay evidence and not on any direct or substantive material and prays for grant of regular bail.

4. Notice of motion.

5. Mr. Rakesh Kumar Jangra, AAG, Haryana accepts notice on behalf of the respondent-State. He has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the allegations against the



petitioner are serious in nature. It is further submitted that the report of the Forensic Science Laboratory with regard to the blood-stained axe recovered at the instance of the petitioner is inconclusive. He has filed the custody certificate in Court, which is taken on record. He further submits that as per the custody certificate, the petitioner is in custody for the last 02 years, 03 months and 24 days and is involved in two more cases. He further submits that out of 30 cited prosecution witnesses only 06 have been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the petitioner is in custody for the last 02 years, 03 months and 24 days ; co-accused has already been granted bail; report of the Forensic Science Laboratory is inconclusive; out of 30 cited prosecution witnesses only 06 have been examined so far coupled with the fact that the trial is likely to take considerable time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025, decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore,

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continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that if, while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

13.07.2026*renu***(H.S.GREWAL)
JUDGE**

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