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

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**CRM-M No.17619 of 2025
Date of Decision: 28.07.2025**

Sumit	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Baljeet Kaur, Sr. Advocate,
with Mr. Jangjit Singh Dahiya, Advocate and
Mr. Phool Kumar, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.471 dated 15.12.2019 registered under Sections 302, 506, 148, 149, 120-B and 34 of IPC and 25, 27 and 29 of Arms Act, 1959 at Police Station Rai, District Sonapat. The previous petition bearing CRM-M-9404 of 2023 as filed by him, had been dismissed by this Court vide order dated 02.06.2023.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Sant Kumar alleging that on 15.12.2019, his brother Raj Kumar and himself were going towards

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their agricultural land and while on the way, they were intercepted by the petitioner and the co-accused, who were armed with weapons. The petitioner had fired a shot with a pistol that had hit the chest of his brother Raj Kumar and then all of them fled while extending threats to the complainant. The injured was taken to the hospital but succumbed to his injuries. It was alleged that the petitioner and the co-accused were having a grudge with their family due to some land dispute. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 20.12.2019.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. There are no chances of expeditious conclusion of trial as several witnesses remain to be examined. Prolonged incarceration of the petitioner is a specious change in the circumstances and is a sufficient ground to extend benefit of bail to him. It is, therefore, argued that he deserves to be released on bail. To fortify his argument, learned counsel for the petitioner has placed reliance upon authorities cited as **Mohd. Haroon @ Haroon @ Harun @ Mulla vs. State of Haryana**, Law Finder Doc Id # 2647427; **Aabid @ Habbi v. State of Haryana**, Law Finder Doc Id # 2659541; **Ram Kishor v. State of U.P.**, Law Finder Doc Id # 2686128 and **Praveen Rathore v. The State of Rajasthan and another**, 2023 SCC Online SC 1268.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Haryana that there are serious and specific allegations against the petitioner who had fired a gun shot at victim Raj Kumar with a

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countrymade pistol and had killed him. The trial is going on at a proper pace and it was due to the fact that one of the assailant had been declared a juvenile and then an application under Section 319 of Cr.P.C. was filed, that the prosecution witnesses could not be examined. However, the trial may be expedited. The previous bail petition of petitioner had been dismissed on merits by making a detailed discussion. There is no substantive change in the circumstances. In serious offences, the benefit of bail cannot be granted only on account of prolonged incarceration. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is in custody since 20.12.2019. The trial is obviously proceeding at a very slow pace. Not even a single witness has been examined so far. It has been observed by Hon'ble Supreme Court in **Rabi Prakash v. State of Odisha**, 2023 Live Law (SC) 533 that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such situation, the conditional liberty must override the statutory embargo. In **Mohd. Haroon @ Haroon @ Harun @ Mulla's** case (Supra), the accused facing trial for commission of offence of murder and attempt to murder was in custody for over four years. The trial was going at a slow pace. Keeping in view the long incarceration of the accused and slow progress of trial, he was granted benefit of bail subject to stringent conditions to be imposed upon him. In **Ram Kishor's** case (Supra), the accused was in custody for a period of about two years and ten months while he was facing trial for commission of

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offence of murder. Trial was likely to take time. He was extended benefit of bail. In **Praveen Rathore's** case (Supra) and **Aabid @ Habbi's** case (Supra) also, benefit of bail had been granted to accused of murder case keeping in view the period of incarceration. In the instant case, the petitioner is in custody since 20.12.2019 and has spent a period of 5 years, 7 months and 7 days. The trial is going on at a very slow pace and as observed above, there are no chances of its conclusion in near future. Taking into consideration all these circumstances, however, without expressing any opinion on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail during the pendency of the trial subject to his furnishing personal bonds as well as surety bonds by two sureties to the satisfaction of learned trial Court concerned. The petitioner shall remain present before the trial Court on each and every date of hearing. He will not intimidate, induce or extend any threat to the private witnesses and will not try to contact them during the pendency of the trial. He will also disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

(MANISHA BATRA)
JUDGE

28.07.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No