

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

2025.PHHC.160271



216-2  
CRM-M-23213-2025 (O&M)

SHUBHAM

....PETITIONER

versus

STATE OF HARYANA

....RESPONDENT

**Date of decision: 18.11.2025**  
**Date of Uploading: 18.11.2025**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:-** Mr. Sahil Choudhary, Advocate for the petitioner.  
Ms. Priyanka Sadar, Senior DAG, Haryana.  
Mr. G.S. Ghuman, Advocate for the complainant.

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**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. 52 dated 11.02.2023 under Section 302 of IPC ( Sections 120-B and 201 of IPC added later on) registered at Police Station Mullana, District Ambala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:- .

*“Sir, the copy of the letter is as follows- Statement of unknown Surjan Singh son of Prasanna Ram resident of village Sehla police station Mullana district Ambala age about 56 years mobile no. 9050623945. Stated that I am a resident of the above name and address and I do manual labour work. I have two sons and a daughter, out of which my daughter Komal age 28 years died in the year 2022 due to mental disorder, the elder son Prince who is currently working abroad in Dubai and the younger son Naveen Kumar age about 30 years who used to work as a DJ and was married and has a son Rohin of about 5 years. I and my son Naveen are living together with our family in village Sehla. Today in Naraingarh, my elder son Prince's brother-in-law's wedding was taking place. All of us family members got ready and went to the wedding at around 11 AM.*



*At that time my son Naveen and his wife Manjeet Kaur were at home. When we returned home from the wedding at around 4 PM, I asked my daughter-in-law Manjeet Kaur where Naveen Kumar was. She told me that a little after you left, Naveen Kumar also got ready and left the house and has not returned home yet. After some time, I received a call from my son-in-law Ramesh Kumar, son of Pooran Chand, a resident of village Sulkhani, police station Mullana, who told me that he has received information that unknown persons attacked Naveen Kumar on the land adjacent to the park near the village Kheda near Badh Rakba, attacked his head, chest and back with sharp-edged weapons or iron rods, injuring him several times, due to which he died. You should reach the spot quickly, I am also going there. On receiving the information, I reached there immediately and learnt that Naveen Kumar has been taken to MMU Hospital Mullana. After that, I and my nephew Ravindra Kumar, son of Shri Suresh Kumar, resident of village Sehla, Thana Mullana, reached MMU Hospital Mullana and learnt that Naveen Kumar's body has been kept in the mortuary and I identified the body there. This body is of my son Naveen Kumar who has been murdered by unknown persons by striking him with sharp weapons and iron rods on his head, chest and back, causing deep injuries. Strictest legal action should be taken against these unknown persons. I have written my statement to you, I have read and understood it. SD Surgeon Singh 9050623945 Attested Surender Singh INSP/SHO PS Mullana Dt 11.02.2023. Police action Today my INSP/SHO along with HGH Mohit 120 along with vehicle official number HR01AR-2000 whose driver is SPO Rajesh Kumar 121 had left for patrolling and investigation of crime area police station Mullana, when at around 4.50 PM received telephone information from Bajaria that I am a resident of village Kheda, my name is Vikram, a young boy is lying dead in the other field next to my field, who has several injuries on his head and chest, you reached the spot. On receiving this information, my INSP/SHO along with staff reached the park near Rakba village Kheda and on the spot Incharge outpost SI Amarjeet Singh 138 Ambala and Mu.Si Jafar Ali 273, HGH Prithvi 174 and HGH Gurdeep Singh 322 were immediately informed to reach the spot and on reaching the spot, above mentioned Vikram Singh was found present who showed the body of the young boy and the INSP/SHO instructed his fellow officer to keep the scene of incident safe and instructed fellow employee M.S. Jaffer Ali 273 to take photographs and video related to the scene of incident on his phone and keep it safe. Government ambulance was called and the body of the deceased was taken to MMU Hospital Mullana under the supervision of M.S. Jaffer Ali. And the INSP/SHO informed the Scene of Crime Team, Finger Print Team and Cyber Cell Incharge Team about reaching the spot.*



*During this time, no eyewitness had recorded his statement at the scene, which was recorded from Police Station Mullana at about 7.00 PM on receiving the report of deceased Naveen Kumar son of Surjan Singh resident of village Sehala, Police Station Mullana, District Ambala, age about 30 years, SI Amarjeet Singh Incharge Outpost Kalalati and HGH Prithvi 174 left the scene of crime for security and safe investigation along with fellow officers and reached MMU Hospital Mullana where the INSP/SHO obtained the report related to the death of deceased Naveen Kumar above and reached MMU mortuary for further action where Head Constable Jaffer Ali was present and outside the mortuary, father of deceased Naveen Kumar above, Surjan Singh son of Prasanna Ram resident of village Sehala, Police Station Mullana, District Ambala met the INSP/SHO and got his above statement recorded, which from the above statement, from the report it was found that the crime is of 302 IPC, which After writing the article, Mu.Si. Jafar Ali 273 is being sent to the police station with the mentioned complaint. After this, the mentioned complaint number should be informed to the accused and copies of the special report of the above case should be sent to the service of the officer through Bajaria mail. The higher officials have already been informed about the current situation through Bajaria telephone. HGH Gurdeep Singh 173 was released after giving suitable instructions for mortuary surveillance. I INSP/SHO along with the plaintiff and the case along with accompanying officials leave for the spot of incident. Age:- MMU Hospital Mullana Mortuary SD Surender Singh Managing Officer Police Station Mullana Date 11.02.2023 AT- 8.30 PM. Today Police Station- As per the above article, the charge as per the above crime has been registered and the copy along with the original article has been sent to the police station Mu.Si. Jafar Ali No. The personal investigator was sent after giving the FIR No. 273. Copies of the FIR are being sent as special report to the officer concerned at Bajaria e-mail. The entry record was made as per the police station rules. The FIR was filed in the presence of PSI Mandeep. At 00 PM, on receiving the report of deceased Naveen Kumar son of Surjan Singh resident of village Sehala, Police Station Mullana, District Ambala, age about 30 years, SI Amarjeet Singh Incharge Outpost Kalalati and HGH Prithvi 174 left for security and safe investigation of the scene of incident along with his fellow officers and reached MMU Hospital Mullana where the INSP/SHO obtained the report related to the death of deceased Naveen Kumar and reached MMU mortuary for further action where Constable Jaffer Ali was present and outside the mortuary, father of deceased Naveen Kumar, Surjan Singh son of Prasanna Ram resident of village Sehala, Police Station Mullana, District Ambala met the INSP/SHO and recorded his above statement, which, from the*



above statement, is found to be crime of 302 IPC, on which, after writing an article and getting it registered, Constable Jaffer Ali 273 is being sent to the police station with the registered charge. After this, the accused should be informed about the charge number mentioned in the case and copies of the special report of the above case should be sent to the service of the officer through Bajaria mail. The higher officials have already been informed about the situation so far through Bajaria telephone. HGH Gurdeep Singh 173 was released after giving appropriate instructions for mortuary surveillance. I INSP / SHO along with the plaintiff and the case along with accompanying officials left for the scene of the incident. Aaj: MMU Hospital Mullana Mortuary SD Surender Singh Managing Officer Police Station Mullana Date 11.02.2023 AT-8.30 PM. Aaj Police Station- As per the above article, the charge was registered for the above mentioned crime and the copy of the above article was given to the police constable Zafar Ali No. 273 who came to the police station and the personal investigator was sent off. Copies of the FIR are being sent as special report to the concerned officer of Bajaria e-mail. The entry record was made as per the police station procedure. The FIR was filed in the presence of PSI Mandeep. At 00 PM, on receiving the report of deceased Naveen Kumar son of Surjan Singh resident of village Sehala, Police Station Mullana, District Ambala, age about 30 years, SI Amarjeet Singh Incharge Outpost Kalalati and HGH Prithvi 174 left for security and safe investigation of the scene of incident along with his fellow officers and reached MMU Hospital Mullana where the INSP/SHO obtained the report related to the death of deceased Naveen Kumar and reached MMU mortuary for further action where Constable Jaffer Ali was present and outside the mortuary, father of deceased Naveen Kumar, Surjan Singh son of Prasanna Ram resident of village Sehala, Police Station Mullana, District Ambala met the INSP/SHO and recorded his above statement, which, from the above statement, is found to be crime of 302 IPC, on which, after writing an article and getting it registered, Constable Jaffer Ali 273 is being sent to the police station with the registered charge. After this, the accused should be informed about the charge number mentioned in the case and copies of the special report of the above case should be sent to the service of the officer through Bajaria mail. The higher officials have already been informed about the situation so far through Bajaria telephone. HGH Gurdeep Singh 173 was released after giving appropriate instructions for mortuary surveillance. I INSP / SHO along with the plaintiff and the case along with accompanying officials left for the scene of the incident. Aaj:- MMU Hospital Mullana Mortuary SD Surender Singh Managing Officer Police Station Mullana Date 11.02.2023 AT-



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3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.02.2023. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that the primary prosecution evidence available against the petitioner is in the form of a selfie found on the mobile phone of the deceased, the disclosure statement, and the call detail records. It is submitted that there is no direct evidence or eyewitnesses available against the petitioner. Learned counsel has also submitted that the petitioner has undergone incarceration for more than two years and nine 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, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.11.2025 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 13.02.2023, whereinafter investigation was carried out & challan was presented on 24.04.2023. Total 28 prosecution witnesses have been cited out of which only 10 have been examined till date. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024 titled as Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-



*“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime. 20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be. 21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.*

The rival contention raised at Bar give rise to debatable issues which shall essentially 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.

As per the custody certificate filed today by the learned counsel, the petitioner has undergone 2 years 9 months and 03 days. Further, as per custody certificate dated 18.11.2025 filed by the learned State counsel, the petitioner is not shown to be involved in any other FIR/case.

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 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 off.

(SUMEET GOEL)  
JUDGE

18.11.2025

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