



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

CRA-S-1556-2025

Date of decision: 19th November, 2025

Sandeep @ Bholu

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nitin Bhanwala, Advocate for the appellant.

Ms. Himani Arora, Deputy Advocate General, Haryana.

None for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant appeal has been filed under Section 14-A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') challenging the order dated 08.04.2025 passed by the Court of learned Additional Sessions Judge, Jind in case arising out of FIR No. 526 dated 05.07.2015 registered under Sections 302, 120-B read with Section 34 of IPC and Section 25 of Arms Act, 1959 (Section 216 of IPC and Section 3 of SC/ST Act were added later on) at Police Station City Jind, District Jind, whereby the prayer made by the appellant for grant of regular bail, had been declined.

2. As per the allegations, the victim Sunny, son of respondent No. 2—complainant Rishi Pal, was shot by two youths on 05.07.2015. Initially, the complainant recorded a statement suspecting the involvement of three



persons, namely, Prayag, Laddi and Ravi, on account of previous inimical relations with their family members. However, on 10.07.2015, he recorded a supplementary statement to the effect that after making inquiries at his own level, he had come to know that accused Ravi and “M” (name withheld) (child in conflict with law), had committed the murder of the victim. Both were found to have a hand in the murder of the victim. The CCL “M” was detained on 18.07.2015 and accused Ravi was arrested on 17.07.2015. Accused- Ravi suffered a disclosure statement to the effect that the deceased Sunny was having illicit relations with his wife and, in order to take revenge, he had hatched a conspiracy with the present **appellant** and the child in conflict with law to kill the victim. He further stated that the appellant had fired a shot at the victim on the fateful night. The appellant could not be apprehended and was declared a proclaimed offender on 23.01.2017.

3. As per the further allegations, the appellant was joined in the investigation of this case on 29.05.2019 after getting production warrants issued for securing his presence, as he was lodged in jail in some other case. On interrogation, he suffered disclosure statement and wherein he confessed to having fired shots with a pistol upon the victim and disclosed that the pistol and the motorbike used in the commission of the crime had been handed over by him to his friend Sandeep @ Dhola. The said motorbike and pistol had already been recovered in two other cases registered at different police stations. The appellant is presently facing trial for the commission of the aforesaid offences. Co-accused Ravi, who had already faced trial, has been acquitted.



4. It is argued by learned counsel for the appellant that the impugned order dated 08.04.2025, whereby his prayer for grant of regular bail was declined by the learned trial Court, is not sustainable in the eyes of law as while passing the same, the learned trial Court failed to consider that co-accused Ravi, against whom there were graver allegations, already stands acquitted. It is further submitted that the complainant Rishi Pal, while appearing in the witness box during the trial of co-accused Ravi, did not implicate the appellant in the crime. The appellant was not named in the FIR and has been nominated only on the basis of suspicion of the complainant and thereafter on the disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He is in custody for a period of 6 years, 5 months and 16 days. The trial is likely to take considerable time to conclude. There is no likelihood of its conclusion in near future as only 6 out of 29 prosecution witnesses have been examined so far. His continued detention would not serve any useful purpose. With these broad submissions, it is argued that the impugned order is liable to be set aside, the appeal deserves to be accepted and he deserves to be extended benefit of regular bail.

5. *Per contra*, learned State Counsel has argued that there is no illegality or infirmity in the impugned order. The appellant is a habitual offender, being involved in one case of murder and two other cases. There are serious and specific allegations against him. In fact, he is alleged to be the main culprit who murdered the victim by using a firearm. He had been absconding for a long time and was declared a proclaimed offender. There



are chances of his absconding again if extended benefit of bail. With these broad submissions, it is urged that the appeal does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The appellant in connivance with the co-accused is alleged to have committed the murder of the victim as on 05.07.2025. He was not named in the FIR and was nominated on disclosure statement of the co-accused-Ravi, who has already been acquitted in this case. There is no eye-witness to the murder of the victim. No recovery has been effected from the appellant. He is in custody for a period of more than six years and five months. Each day spent in custody provides cause of action to an accused to seek concession of bail. It has been observed by Hon'ble Apex Court that in a catena of cases that an accused cannot be kept in custody for an indefinite period of time. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. Only 15 out of 30 prosecution witnesses have been examined till now and obviously the trial is not likely to be concluded in near future. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. While considering a plea for grant of bail, the factors to be kept in mind are as to whether, there is *prima facie* case, reasonable ground to believe that the accused has committed the offence, circumstances which are peculiar to the case, the nature and gravity of the accusations and at the same time, the period of incarceration is also relevant factor. Taking into consideration the



above discussed facts, this Court is of the considered opinion that a case is made out for grant of release of the appellant on bail. Accordingly, the impugned order is set aside. The appeal is accepted and the appellant is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main appeal has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th November, 2025

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |