



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

221

**CRM-M No.34655 of 2025
Date of decision : 6.11.2025**

Monu @ Yogesh**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ram Pal Verma, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.197 dated 16.5.2022 under Sections 302, 34, 120-B, 379-B, 511 and 216 of the IPC and Section 25 of Arms Act, 1959, registered at Police Station City Jhajjar, District Jhajjar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, S.H.O. Sahab, City police station, Jhajjar. Sir, It is prayed that that I, Surender son of Ramesh Kumar resident of Gwalishan. I do work of money transfer by taking a shop on tent in front of Sabzi Mandi, Jhajjar. Sonu son of Suresh resident of Gwalishan also used to do money transfer work in the shop next to mine. Since we both are from the same village, we used to come and go together. Today at around 08.15 PM, Sonu, Manjeet son of Ramesh resident of Gwalishan closed the shop and started leaving, then three-four young boys who had tied cloth on their mouths fired at Sonu, who fell after being shot in the chest. When we made noise, they ran



towards the road. Then I told about the incident to SAREEPAL who is brother-in-law of brother of Sonu and SAREEPAL arrived at the spot after some time and we took Sonu to the hospital. They took him to the hospital in Jhajjar where the doctor declared him dead. About a week ago, sister-in-law of Sonu told that Sonu had given a lot of money to a person named Lala and I do not know any reason for this. Sonu son of Suresh resident of Gwalishan has been shot dead by three/four persons whose name and address are unknown. Action should be taken against them and Lala should also be found out and interrogated so that the truth can be revealed. Strictest action should be taken against the accused. SD-Surender Kumar. Surender Kurnar son of Ramesh Kumar village Gwalishan 9992616173, 16.05.2022.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.5.2022. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the prime prosecution evidence available against the petitioner is in the form of disclosure statement only. Learned counsel has further argued that two prime prosecution witnesses put forward by the prosecution namely Surender and Manjeet have turned hostile. Thus, it is indubitable that the trial does not culminate into conviction. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 3 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 4.11.2025 in Court, which is taken on record.



5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 22.5.2022 wherein after investigation was carried out and challan stands presented on 12.8.2022. Total 24 prosecution witnesses have been cited, out of which only 16 have been examined till date. At this juncture, 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.”

6.1 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.

6.2 As per custody certificate dated 4.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 years, 5 months and 11 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under the provisions of IPC, SC/ST Act and POCSO Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/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 cell-phone 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 CJM/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.

(SUMEET GOEL)
JUDGE

6.11.2025
Ashwanii

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