

CRM-M-51975-2025

2025:PHHC:129964



207

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51975-2025

Date of decision: September 19, 2025

Tony Kumar @ Chuha

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.108 dated 24.05.2023, registered for offences punishable under Sections 302 read with 34 & 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sadar Jagadhri, District Yamuna Nagar.

2. The gravamen of the allegations against the petitioner is that one Kajal had solemnized a love marriage with Sukhwinder Singh but later developed an illicit relationship with Tony Kumar @ Chuha (petitioner herein), who was a close friend of Arun Kumar @ Mungi. On 23.05.2023, Kajal, along with the petitioner and Arun Kumar @ Mungi, conspired to eliminate Sukhwinder Singh. In execution of the conspiracy, during the night intervening 23/24.05.2023, at around 2:00 a.m., Arun Kumar @ Mungi and the petitioner

CRM-M-51975-2025

went to Kajal's residence, where, with her assistance, they murdered Sukhwinder Singh by strangulating him with a rope. At the time of the incident, Arun Kumar @ Mungi restrained Sukhwinder Singh, while the petitioner and Kajal pulled the rope to execute the act. Subsequently, in order to mislead the police and give the appearance of suicide, the accused hanged Sukhwinder Singh with a 'Chunni' and even cut it halfway to fabricate evidence.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 26.05.2023. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the case in hand is not one of the eye witness account, but that of circumstantial evidence. Learned counsel has iterated that the petitioner has been primarily implicated into the FIR in question on the basis of suspicion. Learned counsel has further iterated that the petitioner has suffered incarceration of more than 02 years, and the trial is procrastinating. 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, hence, he ought not to be extended concession of regular bail. Learned State counsel seeks to place on record the custody certificate dated 18.09.2025 in the Court today, 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 26.05.2023, whereinafter investigation was carried out and the challan has been presented on 21.08.2023. Total 27 prosecution witnesses have been cited, out of which, only 05 have been fully examined till date. It is thus, indubitable that conclusion of the trial

CRM-M-51975-2025

will take long time. The rival contentions raised at Bar give rise to debatable issues, which shall 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.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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 appellant 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.”

6.2. As per custody certificate dated 18.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 03 months and 23 days. Further, as per the said custody certificate,

CRM-M-51975-2025

the petitioner is stated to be involved in other FIR(s). 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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

CRM-M-51975-2025

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.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 19, 2025
mahavir

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