



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

219

CRM-M No.69369 of 2025

Date of decision : 12.12.2025

Date of uploading : 12.12.2025

Amit alias Mithoo

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Gautam, Advocate and
Mr. Yogesh Vashista, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior DAG, 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.126 dated 12.4.2024 under Sections 346 of IPC (Sections 302, 120-B, 201 and 34 of IPC added later on), registered at Police Station Murthal, District Sonapat.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Police Station Murthal. Sir, It is respectfully submitted that I, Satish Kumar, son of Shri Jaibhagwan, resident of Murthal, am a co-resident of the village. My son, Deepak, aged 22 years, had gone to the village shop to buy washing soap/detergent, but he did not return home. My son Deepak's mobile number 90364956979 is coming switched off. His description is as follows: height 5 feet 2 inches, healthy/strong build,



round face, wheatish complexion, wearing a black T-shirt, blue jeans, and slippers. He went missing 09.03.2024. We searched for him among our relatives, but he was not found there either. Therefore, I request you to kindly search for my son.

Sd/-Satish Kumar

Applicant: Satish Kumar, son of Jaibhagwan, resident of Murthal

Mobile No.: 9813318415.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 16.4.2024. Learned counsel has further submitted that the prime prosecution evidence available against the petitioner is in the form of a CCTV footage, which is, at best, 'last seen' evidence. Learned counsel has further submitted that the witness pertaining to the extra judicial confession has turned hostile. Learned counsel has further submitted that no clear cut motive has brought forward by the prosecution against the petitioner. Learned counsel has further submitted that the petitioner is a young man aged 21 years with no criminal antecedents. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 01 year and 7 months. 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 11.12.2025 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 16.4.2024 wherein after investigation was carried out and challan stands presented on 24.6.2024. Total 22 prosecution witnesses have been cited, out of which only 3 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.”

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 11.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 7 months and 26 days & is not shown to be involved in any other 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 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

12.12.2025
Ashwanii

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