



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

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CRM-M No.4513 of 2026 (O & M)
Date of decision : 1.4.2026
Date of uploading : 1.4.2026

Manoj**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anil Saini, Advocate, for
Mr. Himanshu Chhabra, 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.172 dated 16.9.2023 under Sections 302 and 34 of IPC (Sections 307, 342 and 149 of IPC added and Section 34 of IPC deleted later on), registered at Police Station Rewari Sadar, District Rewari.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'TO SHO SAHAB: Sadar Rewari. Sir, it is humbly submitted that I Janesh s/o Jagdish r/o Uan, P.S. Band Kalan, Distt. Charkhi Dadri. My younger brother is living in Rewari for last 3-4 years alongwith his children and running shop of scrap there only. I and my family lives in village. On 15.09.2023 I was at my house then I received an information that my



brother Sanjeep has been murdered. On this information I reached Rewari Hospital. I identified the dead body of my brother kept at mortuary and I noticed that there are numerous injuries on the body of my brother. My brother Sanjeep has been murdered by unknown persons by causing injuries. An appropriate legal action may kindly be taken against said unknown persons. Sd/-Janesh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.9.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution witnesses, namely PWs Sonu, Janesh and Sandeep have turned hostile, hence, trial is not likely to terminate into conviction. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 2 and a half years. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Ravinder Kumar, HPS, Deputy Superintendent of Police, Traffic, Rewari, today in Court. The same is taken on record. Raising submissions in tandem with the said status report, 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 30.3.2026 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 17.9.2023 wherein after investigation was carried out; challan *qua* the petitioner was prepared on



18.12.2023 and subsequently filed. Total 38 prosecution witnesses have been cited, out of which 21 have been examined. 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 contentions raised at Bar; including the weightage required to be attached to the testimonies of hostile witnesses namely Sony, Javesh and Sandeep @ Bhola; shall be gone into 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 30.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 6 months and 01 day & 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.
- 11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

1.4.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No