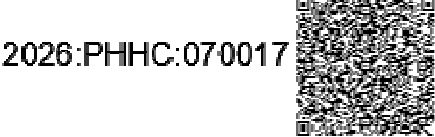


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3364-2026

Deepak alias Golu
.....Petitioner

Versus

State of Haryana
...Respondent

Date of Decision: May 06, 2026
Date of Uploading: May 06, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Bhavdeep Singh Mamli, Advocate for the petitioner.
Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case FIR No.173 dated 10.06.2025, registered under Sections 127(2), 103(1), 238, 190, 191(3), 127(6), 111, 140(3) of the BNS, 2023, at Police Station Bhuna, District Fatehabad.

2. The gravamen of allegation against the petitioner is that the complainant, namely, Girdhari, alleged that on 08.05.2025 at approximately 11:00 AM, an unknown caller from Bhuna contacted his grandson, Ankit, on mobile number 90345-31045. Following the call, Ankit informed the family that he was going to Bhuna. Thereafter, during the intervening night of 08/09.06.2025 at about 01:14 AM, the family received a call from Ankit,

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wherein he stated that Ramesh @ Bakra was forcibly restraining him and was not allowing him to leave. Since that call, Ankit has remained untraceable and his mobile phone has been switched off. Despite making extensive personal efforts to locate him, the family could not ascertain any clue regarding his whereabouts.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.06.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question primarily on account of having a friendly relationship with co-accused, namely, Ramesh alias Bakra. Learned counsel has argued that the primary evidence available against the petitioner is in the form of disclosure statement of another co-accused. Learned counsel has further iterated that no specific role has been attributed to the petitioner for committing the murder in question. Learned counsel has urged that co-accused of the petitioner, namely, Suresh @ Sashu has been granted concession of regular bail by this Court, vide order dated 30.04.2026 passed in CRM-M-23185-2026. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner 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 the custody certificate dated 05.05.2026, in the Court today, 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 13.06.2025, whereinafter, the investigation was carried out and the challan *qua* the petitioner stands

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presented on 10.09.2025. Out of total 35 cited prosecution witnesses, and it is conceded case before this Court that none has been examined till date. Indubitably, conclusion of the trial will take long. Co-accused of the petitioner has been afforded concession of regular bail by this Court, as stated above.

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 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.”

The rival contention raised at Bar give rise to debatable issued, 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

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brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 05.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 17 days.

6.2. Further, as per the said custody certificate, 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, if not required in any other case, 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:

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- (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 trial Court/Illaq 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. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 06, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No