



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

214

CRM-M No.3308 of 2026 (O & M)

Date of decision : 7.5.2026

Date of uploading : 8.5.2026

Amar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Govind Chauhan, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior DAG, Haryana

Mr. Surender Singh, Advocate, for the complainant

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.701 dated 15.9.2025 under Sections 190, 191(3), 115(2), 118(1), 118(2), 238(a) and 351(3) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar, Karnal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Nisha W/o Sandeep resident of Dholgarh, Police Station Sadar Karnal aged 34 years, M.No. 9068519822. Stated that I am resident of above mentioned address and is a housewife. We are 2 sisters and 1 brother. I am living in a separate house at my maternal home with my children for about 5/6 years. On 14.09.2025 at about 09:00 pm, my brother Ajay had gone to the shop to buy goods. The shop was found closed there, near the Govt. School near the shop, the voices of many boys were speaking loudly, then my brother Ajay went there and saw that Shankar, Akash, Amar and his aunt's son Kuldeep and 2/3 other persons



were sitting there. My brother Ajay told Kuldeep that you have drunk too much and now let's go to our house. Then, at the same time Shankar and Akash slapped and punched my brother, then the other boys who were sitting there freed my brother, then my brother came to my house after saving his life and started telling me that Shankar and Akash have beaten him. His life is in danger, save him. Then, I took my brother Ajay to Ajay's house. At about 11:45 PM in the night, I and my sister-in-law Suman went to Shankar's house to tell his parents. When we knocked their house, Balram and his wife came out from their house and Balram abused my sister-in-law Suman. When my sister-in-law told them that your brother Shankar and Aakash gave beatings to my husband then Balram pushed my sister-in-law down in the street and gave beatings to my sister-in-law Suman. Thereafter, we dialed 112, then my cousin Hansraj took my sister-in-law to the hospital for treatment. When I, my mother, my father and my uncle Rampal were standing outside the house of my brother Ajay, then at about 01:30 am from the side of School, Shankar, Amar, Akash, Naveen, Anil and one another boy whose name is not known to me came on two motorcycles and upon seeing them, they suddenly stopped their motorcycles and Amar got off the motorcycle and hit my father Satpal with a beer bottle and Shankar hit my legs with sword and when I started trying to free my father, all these boys ran after me and caught hold of me and Shankar attacked on my both legs with sword and Akash kept a country made pistol near my ear and Amar, Naveen and Anil and I other gave punch blows and slapped me. Thereafter, all these boys went away from the spot with their weapons on their respective motorcycles and while going away, they threatened that today you have escaped, you will be killed upon getting an opportunity. Thereafter, I made a call to SP Sahab and thereafter my family took me to Civil Hospital, Karnal for treatment. Take required legal action against Shankar S/o Shamsher, Akash and Naveen S/o Baljeet, Anil S/o Pala Ram, Amar S/o Gobinda and I other. I got recorded my statement to you, heard, understood which is correct. Sd/-Nisha. Attested Jaswinder ASI PS Sadar Knl. Dt. 15.09.2025.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.9.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the maximum role ascribed to the petitioner is giving an injury to the father of the complainant, which is simple in nature. Learned counsel has further submitted that the petitioner is in



custody for more than 5 months and a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Sandeep Kumar, HPS, Deputy Superintendent of Police (HQ), District Karnal dated 2.4.2026, which is on record. Raising submissions in tandem with the said status report, learned State counsel, as also learned counsel for the complainant have 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 6.5.2026 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 15.9.2025 wherein after investigation was carried out; challan was prepared on 26.11.2025 and subsequently filed. Charges in the case were framed on 12.12.2025. Total 20 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. 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.”

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 As per custody certificate dated 6.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 9 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.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

7.5.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No