



CRM-M-3370 of 2026

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

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CRM-M-3370 of 2026
Date of Decision: 05.03.2026

Nitin @ Abay

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. D.S. Bhinder, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.183 dated 16.09.2023 registered under Sections 302 and 120-B of the IPC, at Police Station Canal Colony, District Bathinda.
2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with other accused murdered Akash (son of the complainant), due to some altercation between them.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the petitioner has no concern with the said offence. He further argued that there is no eye-witness of the alleged incident and entire case is based on hearsay and circumstantial evidence. He argued that the present petitioner has been nominated in this

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case as an accused only on the basis of suspicion without any concrete evidence. He submitted that even as per FIR petitioner is only stated to be armed with wooden stick and the fatal injury has been attributed to co-accused Akash @ Bohemia. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 20.08.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 17 prosecution witnesses and out of them, only 02 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the mater, which are taken on record and while referring to the status report, he has opposed the prayer for grant of bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner in connivance with other co-accused inflicted injuries to the son of the complainant and committed his murder and thereafter destroyed the evidence i.e. stick as such, he has actively participated in the crime. Hence, he prays that the present petition be dismissed.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the allegations against the petitioner are grave and serious in nature as he along with co-accused has committed heinous crime of murder of son of the complainant. The petitioner is also alleged to have destroyed the evidence i.e. stick, which



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affirms the role of the petitioner in the alleged crime. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. It is trite law that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made by the Hon'ble Supreme Court in *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav*, 2004 AIR(SC) 1866, *Chenna Boyanna Krishna Yadav v. State of Maharashtra*, (2007) 1 SCC 242 and *State through CBI v. Amaramani Tripathi*, 2005 (4) RCR (Criminal) 280(SC).

6. Keeping in view the gravity of the allegations as levelled against the petitioner, coupled with the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment upon the merits thereof, this Court is of the considered opinion that the petition does not deserve to be allowed.

7. Accordingly, the present petition being bereft of any merit, is dismissed.

(RUPINDERJIT CHAHAL)
JUDGE

05.03.2026

D.Bansal

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