



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

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**CRM-M No.6068 of 2026
Date of decision : 27.3.2026
Date of uploading : 27.3.2026**

Aman Malik alias Aman**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mohit, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. The prayer in the present petition filed under Section 483 of BNSS, 2023 is for the grant of regular bail to the petitioner in FIR No.245 dated 07.10.2021 under Sections 302, 34 of IPC and Section 25 of the Arms Act, 1959 (Sections 147, 148, 149, 120-B of IPC added later on) (however, charges framed under Sections 148, 302, 120-B of IPC and Section 25 of Arms Act), registered at Police Station Bhuna, District Fatehabad (Haryana).
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 Somnath s/o Harichand R/o Khasa Pathana aged 63 years Stated that I am a resident of above-mentioned address and work as an agriculturist. I have two sons namely Rajesh @ Raja (elder son) and Pankaj Kumar (younger son) and both my sons are married. Yesterday on



dated 6.10.2021, I along with my younger son Pankaj Kumar were coming back to our village Khasa Pathana via village Snachla road from our office at Bhuna In our car bearing registration no. HR-23G-4184 coloured white. The car was being driven by my son Pankaj Kumar and I was sitting on the front seat of the car. At about 10.15 p.m when we reached near a plot of one Balraj s/o Diwan Singh r/o Khasa Pathana, then suddenly the tire of our car got punctured. Thereafter my son got out of the car to check the same and at the same time 2-3 unknown young person came on a motor cycle out of which one was wearing a helmet who had a pistol in their hands. Thereafter, they started quarrelling with my son and started firing upon my son with the pistol which they were carrying with themselves. Due to the fear, my son Pankaj Kumar ran towards the plot of Balraj through the fields and when he started to run those unknown persons started firing indiscriminately at my son and due to the bullet injuries fell down in the field. Thereafter those unknown persons ran away from the spot on their motor cycle with their weapons. Then I made hue and cry due to which the villagers came to the spot and they got my son admitted by arranging a vehicle in the government hospital Bhuna for his treatment where my son was declared brought dead by the doctor. I got unconscious after seeing the dreadful death of my son. Now after becoming conscious, I have read and understood the statement which I had given my statement to you. A strict legal action be taken against all those unknown persons who have murdered my son by firing at him. I have read and understood the statement which is correct. Sd Somnath Attested Dilbag Singh SI PS Bhuna Dt 07.10.2021.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.5.2022. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that somewhat similarly placed co-accused Hanuman @ Doctor has been extended the concession of regular bail by this Court vide order dated 29.10.2025 passed in CRM-M No.46089 of 2025. Learned counsel has further submitted that 4 more co-accused, namely Harkaran Singh @ Karan, Vikram Nain, Karamjeet Singh @ Golu



and Jagjeet @ Judge have also been extended the concession of regular bail by this Court. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 4 years. 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 24.3.2026 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 14.5.2022 wherein after investigation was carried out; challan was prepared on 27.2.2022 and subsequently filed. Total 54 prosecution witnesses have been cited but only 17 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 contentions raised by learned counsel 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.

6.2 As per custody certificate dated 24.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 years, 5 months and 5 days. As per the said custody certificate, the petitioner is stated to be involved in multiple other FIR(s). Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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/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.

(SUMEET GOEL)
JUDGE

27.3.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No