

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

2028.PHHC.055009



**CRM-M-5215-2026 (O&M)
Date of Decision: 09.04.2026**

**PARMINDER ALIAS CHIMA ... PETITIONER
VERSUS
STATE OF HARYANA ... RESPONDENT**

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Gaurav Sharma, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita in FIR No.105 dated 31.03.2021 under Sections 302, 201, 506, 120-B, 34 IPC and Sections 25/27 of Arms Act registered at Police Station Asauda, District Jhajjar.
2. The case of the prosecution is that on 31.03.2021, petitioner along with the co-accused fired shots upon one Amit while riding on a motorcycle resulting in his death.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Petitioner was 16 years of age at the time of commission of crime. Moreover, the FSL report of the weapon recovered from the petitioner did not match with that used in the commission of crime. The petitioner is in custody for the last 04 years, 03 months and 04 days. He, thus prays for grant of regular bail to the petitioner.
4. Notice of motion.
5. Dr. Malvika Singh, D.A.G., Haryana accepts notice on behalf of the State and vehemently opposes the prayer for grant of regular bail to the

petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 04 years, 03 months and 04 days. She further submits that petitioner is involved in multiple other cases and 16 prosecution witnesses are yet to be examined.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the FSL report of the weapon recovered from the petitioner did not match with that used in the commission of crime; the petitioner is in custody for more than 04 years, 03 months and 04 days; 16 prosecution witnesses are yet to be examined; the conclusion of trial is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the

case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

09.04.2026

Janki

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(H.S.GREWAL)

JUDGE