



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

115+216

CRM-M-5852-2026 (O&M)
Date of decision : 04.05.2026
Date of uploading : 04.05.2026

Aryan Alias Kannu

.....Petitioner

Versus

State Of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mohit Bishnoi, Advocate for the petitioner
(Through VC).

Ms. Priyanka Sadar, Senior DAG, Haryana.

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.1115 dated 09.10.2023 under Sections 148, 149, 302, 323, 324, 341 of the IPC, registered at Police Station HTM Hisar, District Hisar (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 Dharambir @ Asjok son of Sube Singh caste Scheduled residue too Kharad currently residing street no. 11 Surya Nagar Hisar aged 49 years mobile number 98121-03866. Stated that I am resident of above-mentioned address and do work of colouring the paint. I had 4 daughters and one son Suraj aged 19 years. My son Suraj was unmarried. My son Suraj was having friendship with Rohit son of Vijay resident of Street No. 14 Surya Nagar Hisar and Karan son of Roshanlal resident of Mahabir Colony Hisar. My son Suraj had fight with our neighbour Himanshu one day earlier. Today on 09.10.2023 at about 12 o'clock my



son SURaj was standing near Surya Nagar railway crossing near Street No. 12 with his friends Rohit & Karan. At that time, from side of Surya Nagar, residents of our colony namely Himanshu, Vansh son of Deepak, Ankush son of Sukhbir, Shivam alias Bachi, Aryan @ Kannu son of Devraj, Arman alias Bedi son of Tinnu, Lali Sardar, Arun alias Anda son of Sonu, Lucky son of Rakesh, Nikhil Pandit son of Sanjay resident of Surya Nagar Hisar and around 3/4 other unknown persons were seen coming with weapons on 2/3 motorcycle and few were coming on foot and on account of grudge of fight happened yesterday, attacked my son Suraj and his friends Rohit & Karan with fists-blows. All accused persons beaten my son and his friends continuously, then upon hearing the noises of fight, I came out from my house towards railway crossing, then I saw that above-accused persons were beating my son Suraj and his friends Rohit & Karan with fists-blows, then while I was seeing, Vanshu from the knife (Chhuri) held in his hand inflicted two times in chest of my son Suraj, caused injuries to Rohit & Karan. Thereafter my son Suraj fell down due to knife injury on chest, then I raised lalkara, upon seeing me and other persons coming towards them, all accused persons fled from spot with their weapons. I got admitted my son Suraj and Karan to Government Hospital Hisar by arranging private vehicle where doctor admitted Karan for treatment and referred my son Suraj to MAMC Agroha due to serious condition of my son. Thereafter we took Suraj to Jindal Hospital for better treatment where doctor declared my son Suraj dead. That legal action may kindly be taken against accused of our colony residents namely Himanshu, Vansh son of Deepak, Ankush son of Sukhbir, Shivam alias Bachi, Aryan @ Kannu son of Deraj, Arman alias Bedi son of Tinnu, Lali Sardar, Arun alias Anda son of Sonu, Lucky son of Rakesh, Nikhil Pandit son of Sanjay residents of Surya Nagar Hisar and around 3/4 other unknown persons (can be identified upon confronting me). Sd Dharambir Attested Karambir PSI I/C PP S. Nagar Hsr Dt. 09.10.23

Police Proceeding-Today on 09.10.2023 I P/SI was busy in Law and Order duty. Munshi of police post informed me through telephone that two Ruka of injured Suraj son of Dharambir alias Ashok resident of Surya Nagar Hisar and Karan son of Roshanlal resident of Mahabir Colony Hisar are admitted at GH Hisar. Send IO for proceeding. Upon the information I PSI with SI Ajay Kumar no. 1285 with EHC Rakesh no. 722 reached at GH Hisar, obtained ruka of injured, MLRs and doctor handed over one pullanda of clothes sealed with seal GH/5 containing clothes of injured Suraj to me P/SI which were taken into police possession vide farad. Farad was signed by the witnesses. In meantime information



received from Jindal Hospital Hisar that Suraj son of Dharambir has been brought dead, send IO for proceeding. I P/SI with fellow officials reached at Jindal Hospital Hisar, Ruka brought dead and death summary was obtained from doctor. Near the dead body of Suraj, father of deceased namely Dharambir was present with relatives who got recorded his above-discussed statement, which statement was typed word by word, read over and made understood to him who after treating the statement as correct, put his signature in Hindi which are attested by I P/SI. In MLR No. AK/170/2023 dt. 09.10.2023 of Suraj, doctor has opined two injures, in which injury no. 1 is Blunt ENT Opinion and injury no. 2 Sharp advised Surgeon opinion. In the MLR No. AK/172/2023 dated 09.10.2023 of Karan, doctor has opined one sharp injury advised ortho opinion. From the statement and results of MLRs, ruka brought dead, offences u/s 148/149/323/324/341/302 IPC is found to be committed. Therefore tehrir is sent to police station through EHC Rakesh Kumar 722 for registration of FIR. After registration of case, case number be informed. Station House Officer has been informed. Special report of case should be sent to higher officials and duty Magistrate. I P/SI indulge in proceeding u/s 174 Cr.P.C. sd Karambir PSI I/C PP S. Nagar Hsr dt. 09.10.23 at 10.20 PM. Place Jindal Hospital Hisar. Proceeding at Police Station:- upon arrival of above-said complaint in the police station, case under above-said sections has been registered through computer whose original file & original tehrir is sent to Investigating officer for investigation through EHC Rakesh 722. Copies of FIR will be sent through dak to Magistrate and higher officials. Special report of case will be sent to higher officials and Duty Magistrate. SHO has been informed regarding facts of case.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.10.2023. 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 petitioner is stated to be a member of the unlawful assembly, however, the fatal injury is not attributed to the petitioner. Learned counsel has further iterated that the petitioner is a young man aged about 22 years with no criminal antecedents. Learned counsel has further iterated that the petitioner has



suffered incarceration for more than 2 years. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit dated 16.03.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 02.05.2026 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 11.10.2023 and is in continuous custody since then. Challan, upon culmination of the investigation, stands presented on 06.01.2024. Total 22 prosecution witnesses have been cited but 8 has been examined till date. It is thus indubitable that culmination of trial will take its own time. It is not in dispute before this Court that all private witnesses stands examined. 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 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.

6.1 As per custody certificate dated 02.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years 6 months and 21 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/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. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

04.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No