

**CRM-M-6521-2026****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****233****CRM-M-6521-2026****Date of Decision: 23.04.2026**

Dhir Singh @ Dhire @ Dheer Singh

....Petitioner

Versus

State of Haryana

....Respondent**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**Present: Mr. Ajay Kumar Dahiya, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.213 dated 21.04.2024 registered under Sections 302, 148, 149 of IPC, 1860 (Section 148, 149 IPC deleted and Section 34 IPC added later on), at Police Station Kharkhoda, District Sonipat.

2. Brief facts of the case of prosecution are that petitioner along with other co-accused committed murder of one Randhir. Hence the present FIR was registered.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has no connection with the alleged offence. He submits that the petitioner has been wrongly roped into the present FIR as initially, the complainant had named the entire family of the



petitioner, along with his own brother-Rajbir. However, during the course of the investigation, four of the petitioner's family members were found innocent, and the challan was ultimately presented only against the petitioner and co-accused Rajbir, who is the real brother of the deceased and complainant. Learned counsel further submits that there existed a dispute between the deceased and his own brothers, and the petitioner has been implicated merely because he is their neighbour. It is also argued that a perusal of the FIR reveals no motive or mens rea attributable to the present petitioner to commit the alleged offence; rather, any such motive can be ascribed to the co-accused-Rajbir. To strengthen the argument of false implication, learned counsel submits that the complainant has turned hostile against the co-accused, i.e., the real brother of the deceased and complainant, who in fact had the motive to commit the murder. He contends that the case against the petitioner rests solely on circumstantial evidence, with no direct evidence linking him to the crime. It is further submitted that the petitioner has clean antecedents and that nothing remains to be recovered from him. Moreover, the investigation is complete, the challan has been presented, and charges have already been framed. The petitioner is in custody since 22.04.2024 and out of 21 prosecution witnesses, only 11 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, which is taken on record and while referring to the status report filed in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the petitioner has clean antecedents.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 2 years; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 21 prosecution witnesses, 11 has been examined; the complicity of the petitioner is a matter of trial, which is proceedings at snail's pace and the same will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".



7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

23.04.2026
Puneet...

(RUPINDERJIT CHAHAL)
JUDGE

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