



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

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CRM-M No.6417 of 2026

Date of decision : 10.2.2026

Date of uploading : 10.2.2026

Somesh @ Somi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anoop Kumar Yadav, Advocate, for the petitioner

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.142 dated 10.5.2024 under Sections 148, 149, 302, 323, 452, 120-B, 506, 427 and 216 of the IPC (Sections 120-B, 427 and 216 of IPC added later on), registered at Police Station Sadar Jhajjar, District Jhajjar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Sir, the circumstances of the case are such that on the night of 09.05.2024 information was received at the police station through e-mail from PGIMS Rohtak that Rajpal son of Hariram resident of Sulodha was admitted due to injuries sustained in a fight and he had died, on which information INSP/SHO along with ASI Ravindra No. 114 in government Bolero vehicle number IIR-14GV-1028 driver EASI Chand No. 742 left for village Sulodha for action and SI



Yogesh Kumar No. 2 and SI Hariom No. I has been sent to PGIMS Rohtak, who then INSP/SHO reached village Sulodha, reached at the spot where deceased Rajpal's son Vinod and daughter Kusum were found present, who told that Rajesh Kumari was admitted in PGIMS Rohtak, who on discharged, and will give the application only after coming home, after waiting and on Rajesh Kumari's coming home, Vinod son of Rajpal resident of Sulodha presented the above application and the same is annexed. Subject: Application for legal action against Mohit son of Dinesh, Somi son of Sunil, Ajay son of Bijendra, Sunny son of Billu resident of Sulodha and Lakhan, Bharat resident of Babra and Sagar resident of Khedi Khumar and others and one person whom I know by face, for forcibly entering the house and killing my father and injuring my mother and sister. Sir, it is my humble request that I Vinod Kumar son of late Shri Rajpal Singh, age 24 years, am a permanent resident of village Sulodha, district Jhajjar and am a shopkeeper by profession. Sir, on 09/05/2024 at about 4.45 P.M. a boy Sunny son of Billu came to my shop and made me talk to Ajay alias Chhotu son of Bijendra resident of Sulodha from his mobile phone and Chhotu pressurized me to give cold drink on credit. I refused to lend him cold drink because he had not paid off my previous credit amount. He threatened me over the phone and told me that he will have to face consequences. I informed my father about this and my father settled the matter by talking to Chotu etc. over the phone. After this, all the above accused suddenly formed a gang and cut the power line from the transformer at night at around 10.30 P.M. and forcibly entered our house with sticks, axes, pointed weapons and sharp weapons and started beating my sister Kusum and mother Rajesh and breaking things. And they attacked my father with a sharp weapon. They attacked him so many times, that on the spot my father was in serious condition. All these people forcibly dragged him out into the street and then again my father was brutally beaten by all the accused persons with weapons and sticks which was in their hands outside the street, due to which my father fell unconscious. All these accused ran away after threatening to kill my entire family and while leaving they also said that if I refused to lend them things on credit in future, then they told my father that this time we have killed you, next time we will kill your son and grandson. After hearing the screams, I came down from the roof and with the help of my uncle's son Naveen son of Shri Bhagwan and my mother, and we took my father to a private hospital (Global) in Jhajjar, where due to the critical condition, the hospital administration told us to take him to PGIMS Rohtak. There, during treatment in PGI Rohtak, my father died due to the above injuries and beating. Hence, I request you to register a case against all the above culprits under sections related to illegal forced borrowing, murder, breaking vehicles, forcibly entering the house, lethal attack, murder with sharp weapons and threat to kill. I also request you to protect our life and property. The culprits should also be given the harshest punishment. I request you with folded



hands that police protection should be provided to me immediately so that I can stay alive and get all the culprits of my father punished appropriately. I shall be grateful to you.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.5.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the CCTV footage sought to be employed against the petitioner as evidence, is not clear and hence, it is not decipherable that the petitioner was present at the spot. Learned counsel has further submitted that no specific role has been attributed to the petitioner. Learned counsel has argued that all the private prosecution witnesses have either been recorded or given up by the prosecution, thus, there is no chance that the petitioner may tamper with the witnesses. Learned counsel has further urged that the petitioner is a young man aged 27 years with no criminal antecedents. 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 9.2.2026 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 22.5.2024 wherein after investigation was carried out and challan stands presented on 11.8.2024.



Total 34 prosecution witnesses have been cited, out of which 3 have been examined whereas 2 have been given up. 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 It is not in dispute that all the private prosecution witnesses either have been examined or have been given up. The rival contention raised at Bar give rise to debatable issues which shall essentially 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 9.2.2026 filed by learned State



counsel, the petitioner has already suffered incarceration for a period of 01 year, 8 months and 10 days. As per the said custody certificate, the petitioner is stated to be involved in 01 more case/FIR. 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/Illaqa 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

10.02.2026
Ashwani

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