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2026:PHHC:036099



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Vikas @ Vicky
....Petitioner
versus
State of Haryana
....Respondent

Date of decision: March 10, 2026
Date of Uploading: March 10, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Rahul Gautam, Advocate for the petitioner.
Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.126 dated 12.04.2024, registered for the
offences punishable under Section 346 of IPC, 1860 (Sections 302, 120-B, 201
and 34 of IPC added later on), at Police Station Murthal, District Sonapat.

2. The case set up in the FIR in question (as set out in the petition in
hand by the petitioner) is as follows:

“Police Station Murthal. Sir, It is respectfully submitted that I, Satish Kumar, son of Shri Jaibhagwan, resident of Murthal, am a co-resident of the village. My son, Deepak, aged 22 years, had gone to the village shop to buy washing soap/detergent, but he did not return home. My son Deepak's mobile number 90364956979 is coming switched off. His description is as follows: height 5 feet 2 inches, healthy/strong build, round face, wheatish complexion, wearing a black T-shirt, blue jeans, and slippers. He went missing 09.03.2024. We searched for him among our relatives, but he was not found there either. Therefore, I request you to kindly search for my son.”

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3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 16.04.2024. Learned counsel has further iterated that the prime prosecution evidence available against the petitioner is in the form of a CCTV footage, which is, at best, 'last seen' evidence. Learned counsel has further submitted that the witness pertaining to the extra judicial confession has turned hostile. Learned counsel has further submitted that no clear cut motive has brought forward by the prosecution against the petitioner. Learned counsel has submitted that co-accused of the petitioner, namely, Amit alias Mithoo has been accorded concession of regular bail by this Court, vide order dated 12.12.2025 passed in **CRM-M-69369-2025**. Learned counsel has further submitted that the petitioner is a young man aged 27 years with clean antecedents. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 01½ years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that there are serious allegations against the petitioner and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 17.02.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 16.04.2024, whereinafter, the investigation was carried out and the challan has been presented on 24.06.2024. Total 22 prosecution witnesses have been cited, out of which, 03 have been examined up till date. Concededly, co-accused of the

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petitioner, namely, Amit alias Mithoo has been accorded concession of regular bail by this Court, vide order dated 12.12.2025.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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 at Bar 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 17.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period

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of 01 year, 10 months and 02 days, & is not shown to be involved in other FIR(s).

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, if not required in any other case, 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 cellphone 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.

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 10, 2026
mahavir
Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No