



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

211

CRM-M No.9431 of 2026 (O & M)

Date of decision : 11.5.2026

Date of uploading : 11.5.2026

Sahil Kumar @ Bhima @ Balad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Gagandeep Kaur, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, 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.87 dated 13.4.2021 under Sections 307 and 34 of the IPC and Sections 25/54/59 of Arms Act (Section 120-B of IPC added later on), registered at Police Station Sadar Bahadurgarh, 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:-

'Statement of Karambir alias Chhotu S/O Shri Balwan Singh resident of Sauldha, district Jhajjar, age 36 years, Education 10+2 pass, Mobile no. 8398990999 stated that I am a resident of the above address and do farming and I am married and live in the village itself, I have two children, I do my exercise at the gym HL, City Bahadurgarh. Like every day, I had come to HL City Bahadurgarh gym for my exercise, I had come in my



white coloured car no. HR-26-EM-2083, That I have my own licensed revolver Which I keep with me for my safety. I had finished my gym at around 10.00 am and was sitting in my car to go home and was preparing my protein. In the meantime, two boys came and stood near the driver's side of the car and fired bullet at me with the intention of killing me. The bullet hit my right shoulder. In self-defense, I fired in the air from my licensed revolver on which those boys fired again. When I raised an alarm, they ran away from there. They were wearing a black T-shirt and black capri. While running, I saw that there was another boy with them, who was also wearing a black T-shirt and lower. Then the security guards of H.L City admitted me to R.J. Hospital, Bahadurgarh. I do not know any of those boys. Legal action should be taken against them. I have recorded my statement. I have heard it and found the same correct. SD/ Karambir. Attested Mukesh ASI PP H.L. City B. Garh DT 13.04.2021.'

3. Learned counsel for the petitioner has urged that the petitioner is in custody since 27.6.2023. Learned counsel has further urged that the prime prosecution witness, including the FIR-complainant/injured already stands examined. Learned counsel has further argued that the petitioner has already suffered incarceration for more than 2 years and 9 months. Learned counsel has further urged that the testimony of the FIR-complainant, when recorded as prosecution witness, contained inconsistencies and the petitioner has not been clearly identified. 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 29.3.2026 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 27.6.2023 and is in continuous custody since then. Upon culmination of investigation, challan in the present case was presented on 21.7.2023. Total 24 prosecution witnesses have been cited and only 9 have been examined till date. It is thus indubitable that culmination of trial will take its own time. 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 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.

6.1 As per custody certificate dated 29.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 9 months and 3 days. As per the said custody certificate, the petitioner is stated to be involved in multiple other FIR(s). 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.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

11.5.2026
Ashwanii

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