



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

217

**CRM-M No.11260 of 2026
Date of decision : 16.4.2026
Date of uploading : 16.4.2026**

Tinku**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arun Luthra, Advocate and
Ms. Mehak Sharma, Advocate, for the petitioner

Mr. Deepak Grewal, 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.118 dated 23.4.2024 under Section 302 of the IPC, registered at Police Station Sadar, Sonipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To The SHO Police Station Sadar, Sonapat It is prayed that I am Deepak S/O Shamsher Singh Caste Jat R/O House No 263 Model Town, near Ram Sharnam, Sonipat. Last year my father Shamsher Singh had been running a tea shop at near T-Point, Sec 12 and now since 7-8 months that shop has been closed down. That today on 22/04/2024 at about 2 O'CLOCK my father Shamsher singh went out from my house for walking. That my mother Rekha told me that my father Shamsher received injuries That when I came at spot I came to know that my father has been given injuries



by Kalu R/O Fajilpur and Mama and Sanjay R/O Kabirpur and one more person was there whose name I didn't know, they together in connivance with each other they have given many injuries to my father Shamsher. Then after arranging a vehicle, I took my father Shamsher singh to the government hospital Sonipat for his treatment where my father Shamsher singh was declared dead by the doctor. That father has been killed by inflicting injuries Kallu, Sanjay and Mama and one another person whose name and address are unknown. My father has been killed due to injuries sustained to him. That legal action may be taken against Kallu, Sanjay, Mama and another. Sd/ Deepak. Deepak S/O Shamsher singh R/O House No 263 Model Town Sonipat PH 8397980090.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.4.2024. Learned counsel has further argued that the petitioner is not specifically named in the FIR. Learned counsel has further submitted that 3 co-accused (who were named in the FIR) were found innocent by the police but later on facing trial by virtue of summoning under Section 319 of Cr.P.C. Learned counsel has further argued that the FIR-complainant Deepak stands examined. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 01 year and 11 months. 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 13.4.2026 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 27.4.2024, wherein after



investigation was carried out; challan was prepared on 3.7.2024 and subsequently filed. Total 17 prosecution witnesses have been cited, out of which 12 have been examined and 01 has been given up till date. 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 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 13.4.2026 filed by learned State



counsel, the petitioner has already suffered incarceration for a period of 01 year, 11 months and 17 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

16.4.2026
Ashwani

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