

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

112

2026:PHHC:062780



**CRM-M No.13259 of 2026
Date of decision : 24.4.2026
Date of uploading : 24.4.2026**

Surender @ Babbe

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Akash Vashisth, Advocate, for the petitioner

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

Dr. Pankaj Nanhera, Senior Advocate with
Mr. Sachin Jangra, Advocate for the complainant.

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.357 dated 2.11.2024 under Sections 103(1), 190, 191(3), 115(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Ballabgarh, District Faridabad.
2. The gravamen of the FIR in question is that the complainant Harender made a statement that about 1-½ months before the FIR in question, Ramesh (present petitioner) and Babbe @ Surender alongwith 10-12 persons had dismantled their passage of canal water with JCB machine. When the complainant alongwith his elder brother Kavender, father Jeet Singh and cousin had gone to their agricultural land in order to

built the passage for water, then at about 9:00 a.m. Ramesh, Devender, Tinku and Keshram came there. They started abusing and beating them for the purpose of teaching a lesson. All the four assailants caught hold brother of the complainant namely Kavender and one of them gave a *favra* blow his head, due to which he became unconscious and fell down. Then Ramesh gave a *favra* blow upon head of the complainant, who in order to save himself raised his hand and received injuries on his left hand. Father and cousin of the complainant tried to save them and on hearing alarm, all the assailants fled away from the spot. Brother of the complainant-Kavender Singh was taken to Sarvodaya Hospital from where he was referred to Trauma Centre, AIIMS, Delhi, where he died during the treatment.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.09.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is ascribed the role of caught hold the deceased only, but is not ascribed any specific role of having been given any injury. Learned counsel has further submitted that the trial is procrastinating and folly thereof is not attributable to the petitioner. 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 23.4.2026 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 01.09.2025 wherein after investigation was carried out; challan *qua* the petitioner was prepared on 26.11.2025 and subsequently filed. Total 40 prosecution witnesses have been cited but none has been examined till date. Even charges are yet to be framed. 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.

6.1 As per custody certificate dated 23.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 7 months and 23 days & is shown to be involved in one more FIR. 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

24.4.2026

Naveen

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No