



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

218

**CRM-M No.13355 of 2026
Date of decision : 16.4.2026
Date of uploading : 16.4.2026**

Naveen Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. C.L. Verma, Advocate, for the petitioner

Mr. Hemant Aggarwal, DAG, Punjab

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.103 dated 19.6.2025 under Sections 103(1), 61(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 25/27/54/59 of Arms Act, 1959, registered at Police Station Garhshankar, District Hoshiarpur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'SHO, Police Station Garhshankar, today was present at civil hospital Garhshankar, when a No. medical memo CH/GSR/283/2025 dated 18.06.2025 was received from Civil Hospital, Garhshankar, regarding the death of Aryan son of Amit Kumar, resident of Seehwan, Police Station Garhshankar, due to a gunshot injury. Upon this, ASI Rachhpal Singh 1159/Ru. Reached Civil Hospital, Garhshankar and made inquiries, but no



legal heirs or eyewitnesses of Aryan were found at the spot. Upon this, Daily Diary Report No. 03 dated 19.06.2025 was recorded in the Roznamcha. Thereafter, on the same day, i.e., 19.06.2025, Insp. Jaipal No. 506/JR along with ASI Mahinder Pal 475/Ru., ASI Satpal 1411/Ru., PHG Kesar Singh 26779, travelling in the government vehicle bearing registration No. PB-65-BF-4911. driven by Constable Sham Singh 1236/Ru., reached Civil Hospital, Garhshankar for necessary proceedings, where the dead body of the Aryan son of Amit Kumar, was lying. All the relatives and legal heirs of the deceased were present there, but none of them gave any statement to Insp. Jaipal. Upon this, Insp. Jaipal, SHO received secret information from a special informer that Aryan son of Amit Kumar, resident of Seehwan, Garhshankar, had been murdered, and that this murder had been committed by Naveen Kumar son of Satish Kumar, resident of Kokowal, Police Station Garhshankar, who is the son of the paternal aunt (buaa) of Aryan. It was further informed that Aryan earlier used to work at the shop of Naveen Kumar, but now Aryan wanted to open his own separate shop, and all of Naveen Kumar's customers also maintained relations with Aryan. Due to this, Naveen Kumar, out of this grudge, murdered Aryan, apprehending that if Aryan opened his shop adjacent to his, his Naveen Kumar's sales would fall drastically. Due to this very enmity, Naveen Kumar, with the intention to kill his cousin Aryan, took him to a secluded place in the Shahpur gorge, stopped his car on the pretext that he Naveen Kumar was feeling nauseous, and then fired two shots at Aryan with his pistol, hitting his head and chest, thereby murdering him. Since this information was found to be concrete and reliable and upon verification of the spot by Insp. Jaipal, it was confirmed that Aryan had indeed been murdered by Naveen Kumar.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.6.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the case is primarily based on circumstantial evidence as also the version of the prosecution that the weapon of offence was recovered from the petitioner and blood stained in



his car. Learned counsel has further submitted that the prime prosecution witnesses i.e. father and brother of the deceased already stand examined. Learned counsel has further submitted that the petitioner is a man aged 28 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 14.4.2026 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 19.6.2025, wherein after investigation was carried out; challan was prepared on 16.9.2025 and subsequently filed. Total 22 prosecution witnesses have been cited, out of which only 2 have been examined. 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 14.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 22 days & is not shown to be involved in any other case.

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