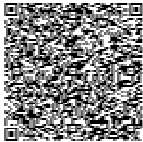


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2026:PHHC:053722



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-13872-2026

Rahul @ Ghoda

....Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: April 08, 2026  
Date of Uploading: April 08, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

**Present:-** Mr. Sanjeev Majra, Advocate for the petitioner.  
  
Ms. Mahima Yashpal Singla, Senior DAG Haryana.  
  
Mr. Abhijeet Sharma, Advocate for the complainant.  
  
Mr. Mannu Singh Sheokand, Advocate  
for the co-complainants (Dev and Ankur).

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SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 (erstwhile Section 439 Cr. P.C.) seeking grant of regular bail to the petitioner, in FIR No.104 dated 14.03.2025, registered under Sections 190, 191(3), 115(2), 118(1), 103(1) and 238 of the BNS, 2023 and Sections 25, 27 of the Arms Act, 1959 (erstwhile Sections 149, 148, 323, 324, 302, 201 of IPC), at Police Station Civil Lines, District Karnal.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Shishpal, has alleged that on 14.03.2025, his son –

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Himanshu, along with his friends, had gone to Karnal to play Holi. At approximately 5:30 PM on the same day, he received a phone call from his son's mobile number (9138510565), through Dev (a friend of his son), informing him that Himanshu had been stabbed and had succumbed to his injuries. He was further informed that the dead body had been kept in the mortuary at KCGMCH, Karnal. Upon receiving this information, the complainant immediately reached KCGMCH, Karnal, where he met Dev and Ankur. Ankur stated that they had been sitting in his office located in Saini Colony, Karnal, when Anish, Pardeep, Aman @ Sahil, Rahul @ Ghoda (*petitioner herein*), Amit, Arun, Sumit @ Goldi (resident of Village Baldi), and Rajesh arrived there and called him outside. Thereafter, they began assaulting Ankur. When Himanshu, Dev, Saurabh, Mohit, Naveen, Monti, and Robin came out of the office to intervene and rescue him, the assailants also attacked them. During the altercation, Parveen and Anish allegedly stabbed Dev and Himanshu with a knife, as a result of which Himanshu sustained fatal injuries and died.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.03.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that basic case of the prosecution against the petitioner is that he was present at the spot when deceased was killed and knife injury was given to injured – Dev. Learned counsel has further argued that a perusal of the statement made by Dev under Section 161 Cr. P.C. reflects that knife injury is attributed to the co-accused – Anish and Amit and not to the present petition. Learned counsel has further argued that the petitioner

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has suffered incarceration for more than 01 year and not involved in any other case. Thus, regular bail is prayed for.

4. Status report by way of an affidavit dated 04.04.2026 has been filed, in the Court today, which is taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner 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 the custody certificate dated 06.04.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant and co-complainant have jointly argued that there are specific/ clear allegations against the petitioner, and, even in view of statement of Dev made under Section 161 Cr. P.C. reflects that the petitioner was present at the spot when knife injury was given to Dev and another person – Himanshu was killed. Learned counsel have further argued that, in case, the petitioner is released on bail, there is all likelihood that he may abscond from the process of justice as also intimidate the witnesses; especially key witnesses. Learned counsel have further submitted that FSL report *qua* fingerprints on the knife in question is yet to be received. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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

6. The petitioner was arrested on 23.03.2025, whereinafter, investigation was carried out and challan *qua* the petitioner has been presented on 06.06.2025. Total 12 prosecution witnesses have been cited,

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out of which, none has been examined till date. Charges were framed way-back on 22.09.2025. It is, thus, indubitable that conclusion of the trial will take long.

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 contention raised at Bar give rise to debatable issues, which shall essentially 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.

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6.1. As per custody certificate dated 06.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year and 16 days, & the petitioner is not shown to be involved in any 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.

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9.           Ordered accordingly.
10.          Nothing said hereinabove shall be construed as an expression of  
opinion on the merits of the case.
11.          Since the main case has been decided, pending miscellaneous  
application, if any, shall also stands disposed off.

(SUMEET GOEL)  
JUDGE

April 08, 2026  
mahavir

Whether speaking/reasoned:           Yes/No

Whether reportable:                    Yes/No