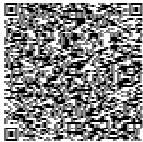


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2026:PHHC:050773



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16114-2026

Rakesh @ Pina

....Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: April 02, 2026
Date of Uploading: April 02, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Naveen Bawa, Advocate for the petitioner.
Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in FIR No.348 dated 30.09.2024, registered under Sections 115, 126, 351(3) of BNS, 2023 (Sections 321, 339 and 506 of IPC) [Section 103(1) of the BNS, 2023 (Section 302 of IPC) added later on], at Police Station Sampla, District Rohtak.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Sahab Singh, stated that on 29.09.2024 at about 10:00 p.m., he and his brother – Raju were sitting in the street. At that time, his son-in-law – Rakesh (*petitioner herein*), who has been residing with him for the past two years along with his daughter – Sonia and their children, arrived

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in an intoxicated condition and began abusing them. When the complainant and his brother attempted to leave the place, the petitioner obstructed their way and physically assaulted them. When they tried to defend themselves, he attacked them with bricks lying in the street. He also threatened them with dire consequences. The complainant and his brother managed to escape with difficulty and were subsequently taken to the hospital by their family members.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 12.10.2024. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that prime prosecution witness, namely, FIR – complainant (PW – Sahab Singh) has turned hostile when examined as prosecution witness. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, no premeditation at the end of the petitioner is reflected as the fight had taken place on the spot at the spur of a movement. Learned counsel has argued that weapon, allegedly used in the commission of offence, is bricks only. Learned counsel has iterated that alleged incident is stated to have taken place on 29.09.2024, whereas, the death of the deceased had taken place on 12.10.2024. In this view of the matter, learned counsel has argued that an offence under Section 103(1) of the BNS/ Section 302 of IPC is not made out against the petitioner and at the most, the same may be an offence under Section 105 of BNS/ Section 304 of IPC. Learned counsel has submitted that the petitioner has suffered incarceration for about 01½ years, and is a man with clean antecedents. Thus, regular bail is prayed for.

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4. 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 01.04.2026, in the Court today, 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 12.10.2024, whereinafter, investigation was carried out and challan *qua* the petitioner has been presented on 08.01.2025. Total 28 prosecution witnesses have been cited, out of which, 03 have been examined till date. 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.

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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.

6.1. As per custody certificate dated 01.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 05 months and 18 days, & the petitioner is not shown to be involved in any other IPC 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, 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.

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- (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.

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 02, 2026
mahavir

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