



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

218

CRM-M-15458-2026

Date of decision : 29.04.2026

Date of uploading : 29.04.2026

Ajay Kumar

.....Petitioner

Versus

State Of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Palvi, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, 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.205 dated 11.04.2023 under Section 120-B/61 of BNS, 302 IPC/103(1) of BNS and Sections 25, 54, 59 of Arms Act, registered at Police Station Mahesh Nagar, District Ambala, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement Suman wife of Lal Bachan resident of village Narha Maltoli police station East Champaran police station Rajepur block Tetaria district Mutehari Bihar present address tenant village Mangalai police station Mahesh Nagar district Ambala age 35 years Mobile No. 9466553192 stated that I am a resident of the above name and address and work in a science goods factory in village Mangalai itself. I was married to Lal Bachan Ram resident of village Tariani Doomra Dr. Doomra police station Belsand district Sitamarhi Bihar about 14 years ago from whom I have two sons. The elder son's name is Neeraj age 13 years and the younger son's name is Dheeraj age 10 years who study in the government school of village Mangalai. I and Lal Bachan when my elder son Neeraj was six months old, we both came to live in Ambala from



Bihar in search of work. It has been about 13 years since we have been living here. My husband used to work at the poultry farm of Jasbir Singh of the village and now for the last 3 years he has been working as a daily wage laborer with mason Ravindra Dhiman resident Ram Nagar Ambala Cantt. He used to leave home for his daily wage labor every day at around 8 am and returned home at around 8 pm in the evening. Yesterday on 10-4-2023 at around 6:10 PM, I called my husband Lal Bachan Ram from my phone to bring my medicine. He said that he would come home after some time with the medicine. After that when he did not come home, I called him several times. But he did not pick up my phone, so I went to my brother Sambhu son of Sogarth Ram and told him, but my brother was not at home, so I told my sister-in-law Pinky that Lal Bachan Ram has not come home yet, so she said that I will tell him when Sambhu comes. My husband did not come home the whole night, I kept calling him repeatedly, but he did not pick up. Then at around 11/11:30 PM, I fell asleep. Today morning I woke up at around 5:30 AM and called my husband, but he did not pick up, so at around 6:45 AM. Vikram son of Indra Raj Singh resident of village Chota Khudda, police station Mahesh Nagar, district Ambala called me on his phone number 8295460543 and told me that a person is lying in the fields of village Mangalai. He has a phone from which I have taken your number. After that when I reached the fields with my brother Sambhu at around 7:15 AM, I saw that my husband was lying with his cycle near the ditch in the fields. When we shook him, his body was stiff. After that my brother Sambhu called the police and the police came to the spot and checked my husband. They found a wound on the back of his head which looked like it was caused by a sharp weapon. I suspect that my husband died because of this injury. But I don't know who inflicted this injury and why, nor did my husband have any old enmity with anyone. I request you to take legal action against the unknown person who killed my husband and get me justice. SD- RTI Suman ATTESTED RAMPAL SINGH INSP/ SHO PS. MAHESH NAGAR DT.11/04/2023 Action Police Today the Inspector / Managing Officer Police Station Maheshnagar is present at the office police station that information was received at the police station from dial 112 that a person is lying dead in the fields of village Mangalai, on this information, the Inspector / Managing Officer Police Station Maheshnagar and ASI Yadavindra 992, HC Vikram No. 6, HC Amit 344, Constable Sunil 1389 along with vehicle government number HR01GV-4319 whose driver HGH Nirmal 738 reached village Mangalai for action where the wife of deceased Lal Bachchan Ram Suman was found present above, who got her above statement recorded, which was read out and explained to her, who after listening to her statement and understanding it, put the thumb of her right hand below her statement, which was found to be a crime under section 302 IPC from the above statement, after writing the complaint, HC Vikram No. 6 was sent to police station The case number mentioned in it should be informed to the accused and copies of the special report of the case should be sent to Afsaranbala. On arrival at the spot, Afsaranbala and the scene of crime team were informed by the inspector. The inspector is busy in investigation and action 174 CRPC at the spot. Age:- Rakba Village Mangalai sd RAMPAL SINGH Managing Officer Police Station Maheshnagar Date 11.04.2023 Time 2:30 PM Age Police Station:- On receipt of the above mentioned article of crime in the police station of Head Constable Vikram Singh No. 6, case No. 205 dated 11/04/2023 under Section 302 IPC Police Station Mahesh Nagar was registered and Head Constable Vikram Singh No. 6, who brought the copy of the case along with the original article, was made the personal investigator. Special copies of the First Information Report are being prepared and sent via e-mail to the Area Magistrate, Superintendent of Police Ambala, Deputy Superintendent of Police A. Cantt and other senior officers. The record was entered as per the police procedure. The FIR was



entered in the presence of Sub Inspector Vishwajeet Singh 169/A. Due to technical problems in the CCTNS server, the FIR was entered late. Vikram Singh No. 6 has been appointed as the personal investigator. Special copies of the FIR are being prepared and sent via e-mail to the area magistrate sahab, Superintendent of Police Ambala, Deputy Superintendent of Police A. Cantt and other senior officers. The records have been entered as per the police procedure. The FIR was registered in the presence of Sub Inspector Vishwajit Singh 169/A. Due to technical problems in the CCTNS server, the FIR could be registered late. Vikram Singh No. 6 has been appointed as the personal investigator. Special copies of the FIR are being prepared and sent via e-mail to the area magistrate sahab, Superintendent of Police Ambala, Deputy Superintendent of Police A. Cantt and other senior officers. The records have been entered as per the police procedure. The FIR was registered in the presence of Sub Inspector Vishwajit Singh 169/A. Due to technical problems in the CCTNS server, the FIR could be registered late.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.06.2023. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question on the suspicion that he was having an affair with the wife of the deceased. Learned counsel has further submitted that the said wife of the deceased, namely Suman, has already been granted the concession of regular bail by this Court vide order dated 30.10.2025 passed in CRM-M-24429-2025. Learned counsel has further submitted that the case in hand is not based on any eye-witness. Learned counsel has further iterated that the petitioner has suffered incarceration for more than two years. Learned counsel has further urged that the petitioner has clean 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 28.04.2026 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 15.06.2023 wherein after investigation was carried out and challan stands presented on 11.09.2023. Total 22 prosecution witnesses have been cited, but only 4 have been examined till date. It is thus indubitable that culmination of trial will take its own time. 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.”

The rival contentions raised by learned counsel 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 28.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years 10 months and 12 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.
11. Pending application(s), if any, shall also stand disposed of.

29.04.2026
jatin

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No