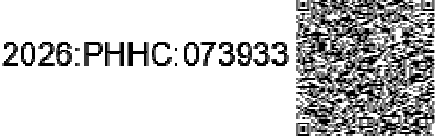


CRM-M-16003-2026



116 (2<sup>nd</sup> case)  
IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-16003-2026

Vishal  
.....Petitioner  
Versus  
State of Haryana  
...Respondent

Date of Decision: May 12, 2026  
Date of Uploading: May 12, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. S.S. Nain, Advocate for the petitioner.  
  
Ms. Mahima Yashpal Singla, Senior DAG Haryana.  
  
Mr. Manish Soni, Advocate,  
Ms. Shreya Mangla, Advocate and  
Mr. Ajay Pratap, Advocate for the complainant.

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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 case FIR No.169 dated 13.04.2023, registered under Sections 148, 149, 285, 302, 201 and 120-B of the IPC, 1860 read with Section 25(1-B)(a) of the Arms Act, 1959, at Police Station City Sohna, District Gurugram.

2. The gravamen of allegation against the petitioner is that on 12.04.2023, at approximately 8:00 AM, complainant, namely, Lalit, along with his cousin brother, Gyanender Bhola (since deceased), arrived at Neta Farm House situated on Sohna-Palwal Road in a white Swift car. At about

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5:40 PM, when both of them came out of the farmhouse for smoking, three vehicles, namely a black Scorpio, a white Venue, and a white Baleno, arrived at the spot. Around 15–20 persons alighted from the said vehicles and surrounded the complainant and his cousin brother. Two of the assailants pointed pistols at the complainant and forced him to sit on the ground. The other accused persons, namely Bharat and Kapil, were armed with axes; Manish and Rohit were armed with hammers; Ajay was carrying a pistol; while Lalit @ Lalti, Rajesh, and Azad were armed with iron rods. Along with 8–10 other unidentified persons, they inflicted fatal injuries upon Gyanender Bhola, who later succumbed to the injuries sustained in the incident. During the course of investigation, co-accused Amit was also arrested.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.07.2023. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that no specific role has been attributed to the petitioner. Learned counsel has iterated that trial is procrastinating and the same is not on account of folly at the end of the petitioner. Learned counsel has urged that the petitioner is a young-man aged 20 years and has already suffered incarceration for more than 02½ years. Thus, regular bail is prayed for.

4. Learned State counsel, while raising submissions in tandem with the status report by way of an affidavit dated 17/18.04.2026, which is already on record, 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

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counsel seeks to place on record the custody certificate dated 11.05.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has also vehemently opposed the petition in hand by arguing that the allegations against the petitioner are serious in nature. Learned counsel has further argued that the petitioner is clearly seen in the video-footage, which reflects that the petitioner (*herein*) is causing injury to the deceased. Learned counsel has further argued that the petitioner has been duly identified in the TIP (Test Identification Parade) in front of the concerned Magistrate. It has been contended that, in case, the petitioner is granted concession of regular bail, there is all likelihood that the petitioner may abscond from the process of justice as also interfere/ intimidate the prosecution witnesses/ evidence. 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 24.07.2023, whereinafter, the investigation was carried out and the challan *qua* the petitioner stands presented on 16.10.2024. It is also not in dispute before this Court that out of total 61 cited prosecution witnesses, only 06 have been examined completely and 01 has been examined in part till date. Thereafter, an application under Section 311 of the Cr. P.C. has been preferred for recalling of the complainant, which stands allowed. It is, thus, indubitable that conclusion of the trial will take long time.

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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 issued, 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 11.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 09 months and 18 days.

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6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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, 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.

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- (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

May 12, 2026  
mahavir

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