



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

220

**CRA-S No.995 of 2026
Date of decision : 30.3.2026
Date of uploading : 1.4.2026**

Sumit Gaur**Appellant**
Versus
State of Haryana and another**Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. AVS Parmar, Advocate, for the appellant
Ms. Priyanka Sadar, Senior DAG, Haryana
Mr. Manish Soni, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present appeal has been filed against the order dated 25.2.2026 passed by the Additional Sessions Judge, Faridabad, whereby the application for grant of regular bail to the appellant in FIR No.304 dated 16.4.2019 under Sections 302, 34, 120-B of IPC and section 3(2)(4) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Mujessar, District Faridabad, has been dismissed.
2. The case set up in the FIR in question (as set out in the present appeal by the appellant) is as follows:-

'Statement of Raj Kumar son of Sh. Tularam resident of village Hatisa, Bhagantpur Police Station and District Hathras, Uttar Pradesh presentiy



tenant at House NO.24/15 Light Floor Society B-Block Ground Floor BPTP Sector-88, Faridabad aged 60 years. Stated that I am resident of above said address and have retired from Government Press Mujeser. I had two sons of which younger son Neeraj died at the age of 19 in year 2006. My elder son Rahul aged about 38 years was working with Parveen Vikas Company Plot No.45-46 Industrial Area Mujessar as HR Manager 7-8 months ago but now for 7-8 months he was not doing any work. Today on 16.04.2019 at about 11:45AM my son Rahul had gone out of house in his Car i-20 No.HR-51-AX-8925 in search of some job. At about 2:00 PM I received information that Sumit and Manish sons of Jagmohan Pandit resident of Sector-22, Faridabad have entered into a fight with Rahul near Government School in Sector 22 and have given various injuries to Rahul. On this I reached the spot near Government School Sector-22, Faridabad where I came to know that Sumit and Manish had committed murder of my son Rahul by giving his injuries in sharp as weapons. Rahul's wife Neetu Anautia was having illicit relationship with Sumit and regarding this had informed Neetu's brother and his family. Even then they did not mend their ways and Neetu Anautia in conspiracy with Sumit and Manish @ Bhura has got my son murdered. Strict legal action be taken against them. I have given my statement in writing, heard which is correct. Statement was written by word by word and read over on which after hearing that the same and accepting to be it correct he put his signatures in Hindi. SI Ved Prakash signed the same.'

3. Learned counsel for the appellant has argued that the appellant is in custody since 16.4.2019. Learned counsel has further submitted that the case in hand is not of an eye-witness account. Learned counsel has further submitted that the best evidence available against the appellant, assuming *arguendo*, the prosecution version is taken to be correct, is in the form of CCTV footage. Learned counsel has further submitted that the appellant has suffered incarceration for more than 6 months and is not involved in any other case.

4. Learned State counsel has opposed the present petition by



arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 29.3.2026 in Court, which is taken on record.

4.2 Learned counsel appearing for the complainant has opposed the grant of regular bail to the petitioner on the ground that there are direct and serious allegations against the appellant, and in case, he is released on bail, there is all the likelihood that he may abscond from the process of justice. Learned counsel has further submitted that the FIR-complainant has duly identified the appellant as the accused assaulting the deceased in the CCTV footage.

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

6. The appellant was arrested in the present case on 16.4.2019 wherein after challan *qua* him stands presented in the Court on 12.7.2019. Total 21 prosecution witnesses have been cited, out of which 17 already stands examined whereas 3 have been given up. However, it cannot be lost sight of that the appellant is in custody for more than 6 years and 11 months. 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 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 appellant absconding from the process of justice or interfering with the prosecution evidence.

6.2 As per custody certificate dated 29.3.2026 filed by learned State counsel, the appellant has already suffered incarceration for a period of 6 years, 11 months and 11 days & is not shown to be involved in any other case

Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present appeal is allowed. Appellant 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 appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant 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/Illaq Magistrate.
- (vii) The appellant 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 appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

30.3.2026
Ashwanii

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