



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

**209**

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**CRA-S No.1079 of 2026**

**Date of decision : 30.4.2026**

**Date of uploading : 30.4.2026**

**Suraj Kumar alias Krishan**

**.....Appellant**

**Versus**

**State of Haryana and another**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ashit Malik, Senior Advocate with  
Mr. Abhinav Kansal, Advocate, for the appellant

Ms. Priyanka Sadar, Senior DAG, Haryana

Mr. H.S. Deol, Advocate, for respondent no.2

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**SUMEET GOEL, J. (ORAL)**

1. Present appeal has been filed against the order dated 23.12.2025 passed by the Additional Sessions Judge, Kurukshetra, whereby the application for grant of regular bail to the appellant in FIR No.385 dated 20.9.2024 under Sections 103(1), 140(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 (Section 3 of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, added later on), registered at Police Station Ladwa, District Kurukshetra, 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 Sona Devi wife of Nikka, resident of village Barot, Police Station Ladwa, District Kurukshetra, aged 50 years. Stated that I am a*



*resident of the above mentioned address and am employed with Municipal Committee, Ladwa. My husband Nikka died about 13 years ago. I have two children, a daughter named Jyoti and a son Robin. About 2 years ago, he used to come to Bharat Type Photostat shop to learn typing. These days my son Robin is living with his maternal uncle in village Kharindwa. At that time, a girl named Navedita used to learn typing along with my son Robin with whom he got friendly. The family of that started keeping a grudge with my son. Today i.e. on 19.09.2024 someone called my son Robin on phone and asked him to come to Devi Mandir, Ladwa. My son Robin riding his motorcycle No.HR-78C-3440 went to Devi Mandir, Ladwa, where three boys and a lady attacked Robin. They were armed with 'sua' and 'pechkas'. They gave blows with 'sua' and 'pechkas' on Robin's head and thereafter they kidnapped him on their motorcycle and took him towards Dera, Ladwa where they beat him. Thereafter, they threw Robin again near Devi Mandir, Ladwa road and went away. Somebody called an ambulance and got my son Robin admitted in Civil Hospital, Ladwa. I came to know about this occurrence from Civil Hospital and I came to Civil Hospital, Ladwa with Prem Dass. The doctor seeing the serious condition of my son Robin referred him to Civil Hospital, Kurukshetra for treatment from where he was referred to PGI, Chandigarh by the doctor because of his serious condition. I and my family members took my son Robin to Jain Hospital, Kurukshetra for treatment where he died during the treatment. My son Robin has been murdered collectively by these persons. I was told about this occurrence by eye witness Gurnam Singh, resident of Dhanora Jattan. Strict legal action be taken against them. I have got my statement recorded have heard the same which is correct. Sd/- Sona Devi. Attested Balbir Singh, SI, P.S. Ladwa dated 19.9.24.'*

3. Learned senior counsel for the appellant has argued that the appellant is in custody since 20.9.2024. Learned senior counsel has submitted that the appellant is not specifically named in the FIR. Learned senior counsel has submitted that the name of the appellant surfaced in the disclosure statement and the evidence available against the appellant is in the form of CCTV footage. Learned counsel has further submitted that all



the private material prosecution witnesses stand examined. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Nirmal Kumar, HPS, DSP, Ladwa, Kurukshetra, in Court today. The same be kept on record. Raising submissions in tandem with the said reply, learned 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 28.4.2026 in Court, which is taken on record.

4.1 Learned counsel for the complainant has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner ought not to be extended the concession of regular bail.

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 20.9.2024 wherein after challan stands presented in the Court on 16.12.2024. Total 28 prosecution witnesses have been cited. It is not in dispute that none has 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 appellant absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 28.4.2026 filed by learned State counsel, the appellant has already suffered incarceration for a period of 01 year, 7 months and 6 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/Illaqa 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

30.4.2026  
Ashwanii

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