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

**CRM-M No.16672 of 2026
Date of Decision: 06.04.2026
Date of Uploading: 06.04.2026**

Kamal

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (corresponding Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.520 dated 01.06.2024, registered for the offences punishable under Sections 302, 201, 34 of IPC, 1860 [Section 103, 238, 3(5) of the BNS, 2023], at Police Station Palla, District Faridabad.

2. The gravamen of allegations against the petitioner is that on 01.06.2024, upon receiving an information regarding murder of a person, namely, Kishan, at Surya Vihar, Part III, Faridabad, the Inspector/SHO

Police Station Palla, District Faridabad alongwith his team reached at the spot, where they found some persons and a lady present near the dead body of Kishan. Statement of the wife of the deceased, was recorded at the spot, who stated that her husband was a Carpenter. On 31.05.2024, at about 11:00 p.m., her husband had gone out for a stroll but he did not return home for a long time. Thereafter, she searched for him in the near around area and noticed some persons gathered near Shanti Chowk at the Godown of Rambir Kabadi Wala (Scrap Dealer) and she saw a person lying profusely bleeding on the ground, who was none else but her husband. He had been inflicted many injuries. The persons, including Raj Kumar present at the spot, confirmed that Pardeep, Nazim, Kamal (petitioner herein) and others had fought with her husband and murdered him being armed with sharp edged weapons and fled from the spot.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 05.06.2024. Learned counsel has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is attributed role of catching hold of the deceased, whereas the fatal knife blow has been given by co-accused, namely, Nazim, who is still in custody. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 01 year and 09 months and is not involved in any other case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. The State counsel seeks to place on record custody certificate dated 03.04.2026 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 05.06.2024 and is stated to be in continuous custody since then. Upon culmination of investigation, Challan was filed on 28.08.2024. Total 27 prosecution witnesses have been cited out of whom 02 witnesses have been examined till date. Indubitably, conclusion of the trial will take long time. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, in which, it has been held as under:

“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.”*

6.1. The rival contention raised at Bar 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.

6.2. As per custody certificate dated 03.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 09 months and 29 days & is not stated to be involved in any other case/FIR.

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.

April 06, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No