

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

2028.PHHC.055441



CRM-M-17770-2026 (O&M)

Date of Decision: 09.04.2026

VIRENDER ALIAS VIJENDER PAL ALIAS KAKU ... PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Mohit, Advocate with
Mr. Pavitra and Mr. Sachin Sesma, Advocates
for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (439 Cr.P.C.) in FIR No.423 dated 12.12.2022 registered under Sections 147, 148, 149, 323, 379-B, 427, 452, 506 of Indian Penal Code (corresponding Sections 191(2), 191(3), 190, 115(2), 304, 324(4), 333), 351(2) of BNS) and Sections 324, 302, 307, 325, 120-B of the Indian Penal Code (added later on) (corresponding Sections 118(1), 103, 109(1), 117(2), 61(2) of BNS) and Section 25 of Arms Act, 1959 (added later on) at Police Station Bhuna, District Fatehabad (Haryana).

2. The case of the prosecution is that the petitioner alongwith his other co-accused attacked one Mukesh, Ramesh and Ravi with bricks and stones. Knife blow was given in the abdomen of Mukesh. As a result of the same Mukesh succumbed to the injuries. It is also alleged that the accused persons broke the household articles of the complainant and snatched gold chain from the neck of deceased Mukesh Kumar.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the petitioner has not been attributed any specific injury. The petitioner is in custody for the last 03 years, 03 months and 08 days.

4. Notice of motion.

5. Dr. Malvika Singh, D.A.G., Haryana accepts notice on behalf of the State and vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 03 years, 03 months and 08 days. Out of total 44 cited prosecution witnesses, 29 witnesses are yet to be examined.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the petitioner has not been attributed any specific injury; the petitioner is in custody for more than 03 years, 03 months and 08 days; out of total 44 cited prosecution witnesses, 29 witnesses are yet to be examined; the conclusion of trial is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of ***Pardeep Kumar @ Banu versus State of Punjab***, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.)

No.18775/2025), decided on 13.03.2026, wherein it has been categorically

held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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

11. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

09.04.2026
Janki

(H.S.GREWAL)
JUDGE

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