

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

2026:PHHC:056161



CRM-M-18162-2026 (O&M)

Date of Decision: 10.04.2026

JITENDER

... PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

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

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking second regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (439 Cr.P.C.) in FIR No.579 dated 24.10.2022 under Section 148/191(3), 149/190, 307/109, 323/115(2) of IPC and Section 25 (1-B)(a) of Arms Act (Section 148/191(3), 149/190, 307/109, 323/115(2) IPC were deleted later on and Section 302/103(1) r/w Section 34/3(5) and 120-B/61(2) IPC/BNS were added) registered at Police Station City Sohna, District Gurugram, Haryana.

2. The case of the prosecution is that the petitioner along with Dhirender and 2-3 persons came to the field of the deceased (Bijender) and Dhirender filled gunpowder in the pipe and fired it in the mouth of the Bijender while petitioner shot the deceased in the stomach. As a result, Bijender fell in the field and was taken to the hospital and ultimately, referred to Safdarjung Hospital, Delhi where he succumbed to the injuries.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The complainant who is the

sister of the deceased has not supported the case of the prosecution and has been declared hostile. Moreover, the main co-accused Dhirender has also been granted regular bail by the Co-Ordinate Bench of this Court vide order dated 16.10.2025 passed in CRM-M-48701-2025. The petitioner is in custody for the last 03 years, 05 months and 13 days. He, thus prays for grant of regular bail to the petitioner.

4. Notice of motion.

5. Mr. Vijay Kumar, AAG 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, 05 months and 13 days. He further submits that out of total 36 prosecution witnesses, only 07 have been examined so far and the petitioner is involved in four more cases.

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 complainant has not supported the case of the prosecution; co-accused has also been granted regular bail by the Co-Ordinate Bench of this Court; the petitioner is in custody for more than 03 years, 05 months and 13 days; out of total 36 prosecution witnesses, only 07 have been examined so far; 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.

(H.S.GREWAL)
JUDGE

10.04.2026

Janki

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