



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

223

CRM-M-20844-2026 (O&M)

Date of decision: 23.04.2026

Kulbhushan @ Kullu

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aman Arora, Advocate for the petitioner

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.89 dated 04.07.2025, registered under Sections 115, 140(3), 304(2), 140(4), 3(5), 351(3) BNS (238, 117(2) BNS added later on) (Erstwhile Sections 323, 365, 367, 34, 506, 201, 325 IPC) at Police Station Bhupani, District Faridabad.

2. Learned counsel contends that the petitioner has been in custody for more than 3 months. He was named in the supplementary statement by the complainant instead of Manoj, to whom, he had attributed the role as was now being ascribed to the petitioner. No overt act has been attributed to him but for having allegedly called the complainant to his house, wherein he was allegedly given beatings. There is no CDR to connect him of having made such call to him or any CCTV footage also. All other co-accused, against whom the allegations of kidnapping and given beatings to the complainant had been made, are on bail. An affidavit was also submitted by the complainant on 29.08.2025, Annexure P-5, giving no objection for grant of bail to the petitioner, however, it is on a representation given by him on 13.09.2025, Annexure P-6, under the



pressure of the police that the complainant was not adhering to the said affidavit, consequently, FIR was also got registered. Challan was presented on 16.03.2026 and charges have not been framed and in all there are 17 prosecution witnesses. He undertakes that there will be no threat, that will be given to the complainant. The petitioner is involved in 12 more cases, wherein he is on bail except 1. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 22.04.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 3 months and 8 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having called the complainant, consequent where to he received beatings at the hands of other co-accused. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being on bail in most cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious



and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 months and 8 days; on bail in some cases; co-accused are on bail; challan stands presented on 16.03.2026, however, charges are yet to be framed and there are a total of 17 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds along with heavy surety to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid,



it shall be done only with prior information to the learned trial Court.

- (viii) The petitioner shall also report to the concerned police station on the first Monday of every month.
- (ix) The petitioner shall not leave the country without prior permission of the trial Court.
- (x) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

23.04.2026
M.Kamra

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