

CRM-M-22729-2026

2026.PHHC.066171



234 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22729-2026

RAHUL

....Petitioner

Versus

STATE OF HARYANA

....Respondent

Date of decision: April 29, 2026

Date of Uploading: April 30, 2026

CORAM:- HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bijender Dhankhar, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No. 0336 dated 10.08.2024, under Sections 103(1), 190, 191(3), 61(2), 249(a), 49, 3(5) of BNS 2023 and Section 25, 25(1)(B)(a), 27, 29(b) of Arms Act registered at Police Station Chandhut, District Palwal.

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2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Sir, I request that I am Suresh son of Dharamvir, a permanent resident of village Chandhat. My cousin brother Maherchand son of Ramvir went to the gym and for a walk at around 04.30-5.00 AM as usual. He informed me that Deepak son of Suresh, resident of Chandhat, is lying dead on the crematorium road, soaked in blood. On receiving this information. I reached there with my family and recognized my son's body, who was lying dead in a bloody state and had four bullet wounds on his head. My son was called late at night by Vinod son of Devendra, Deepak son of Dharamvir, Brahmapal son of Sube, Prempal son of Deshpal, Ajju son of Suraj, Rahul alias Bhola, residents of Chandhat and Deepak left home at around 12 o'clock at night. He has now been found dead on the road in front of sabarjit Pandit's farm. Who had abused my son Deepak on the phone a few days ago. They had threatened to kill me. I am completely sure that my son Deepak was murdered by Vinod son of Devendra, Deepak son of Dharmveer, Brahmapal son of Sube, Prempal son of Deshpal, Ajju son of Suraj, Rahul alias Bhola residents of Chandhat, in a conspiratorial manner, and by shooting him due to the above mentioned enmity. Now I have come to the police station with a report action should be taken. SD Suresh Applicant Suresh son of Dharmveer village Chandhat 9896801754.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 23.09.2024. Learned counsel has further argued that the petitioner is not one of the eye witnesses. Learned counsel has further argued that prime witnesses i.e. PW-1 Suresh, PW-2 Amit and PW-3 Mehar Chand have turned hostile. Learned counsel has iterated that the petitioner is young man aged 24 years and has suffered incarceration for more than 01½ years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place

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on record custody certificate dated 27.04.2026 in Court, 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 23.09.2024 wherein after investigation was carried out and challan stands presented on 25.11.2024. Total 29 prosecution witnesses have been cited, out of which only three have 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.”

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The rival contention raised at par give rise to debatable issues which shall essentially 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.

7. As per custody certificate dated 27.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 07 months and 05 days. As per the said custody certificate, the petitioner is stated to be involved in another FIR under Section 25(1)(B(a) of Arms Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

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8. 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to

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move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Pending miscellaneous application(s), if any, stand disposed of accordingly.

April 29, 2026
rts

(SUMEET GOEL)
JUDGE

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