



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

**228**

**CRM-M-23185-2026**

**Date of decision : 30.04.2026**

**Date of uploading : 30.04.2026**

**Suresh @ Sashu**

**.....Petitioner**

**Versus**

**State Of Haryana**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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**SUMEET GOEL, J. (ORAL)**

1. Present 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.173 dated 10.06.2025 under Sections 127(6) of BNS but during the investigation Sections 127(2)(6), 103(1), 238, 190, 191(2)(3), 111 and 140(3) of BNS has been added, registered at Police Station Bhuna District Fatehabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*"To, The Station House Officer, Police Station Bhuna. Subject: Application for taking legal action. Respected Sir, I, Girdhari son of Hetram is permanent resident of village Kabrel District Hisar. On dated 08-05-2025 around 11 AM, a phone call was received by my grandson Ankit on his mobile number 90345-31045 from someone in Bhuna and who told my grandson to go to Bhuna and he left from there. In night of 08/09-06-2025 at around 1:14 AM, a phone call was received by us and Ankit told that Ramesh alias Bakra has caught me forcibly and is not leaving me. Sir, after that we have had no conversation with my grandson and we have personally searched everywhere but cannot trace out my grandson Ankit and when we tried to talk on his number then it is coming switched off. A case of my grandson Ankit's missing should be registered*



*and his search should be conducted. Description: Wheatish complexion, round face, sturdy body, something is written on his right hand, aged 19 years, wearing white shirt and blue jeans pant. His search should be conducted and legal action should be taken against Ramesh alias Bakra. LTI Girdhari. Girdhari son of Hetram resident of village Kabrel District Hisar. Mobile No. 86070-68721. DT-10/06/25. Today. Police Station On the basis of application offence under section 127 (6) BNS has been found committed and FIR No. 173 dated 10.06.2025 under section 127 (6) BNS is registered at Police Station Bhuna and copy of First Information Report will be prepared by computer and sent by post to Area Magistrate and higher officers. Copy of case file along with original application has been handed over to Constable Kuldeep No. 733 for further investigation and sent to undersigned Investigating Officer SI Ravindra No. 100, who has already left and Station House Officer has been informed about circumstances of case by telephone.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.08.2025. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question primarily on account of having a friendly relationship with a co-accused, namely Ramesh alias Bakra. Learned counsel has further submitted that the primary evidence available against the petitioner is in the form of the disclosure statement of another co-accused, namely Vijay. Learned counsel has further argued that no specific role has been attributed to the petitioner for committing the murder in question. Learned counsel has further urged that the petitioner has clean antecedents. 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 on record custody certificate dated 29.04.2026 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 13.08.2025 wherein after investigation was carried out and challan stands presented on 10.09.2025. Total 35 prosecution witnesses have been cited but none has 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.”*

The rival contentions raised by learned counsel 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.



6.1 As per custody certificate dated 29.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 16 days & is not shown to be involved in any other case.

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/Illaq 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.
11.        Pending application(s), if any, shall also stand disposed of.

30.04.2026  
*jatin*

(SUMEET GOEL)  
JUDGE

Whether speaking/reasoned:      Yes/No

Whether reportable:                Yes/No