

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

2026:PH-HC:081873



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**CRM-M-24532-2026 (O&M)**  
**Date of decision: 25.05.2026**  
**Date of uploading: 25.05.2026**

**Harender**

**....Petitioner**

V/s

**State of Haryana**

**....Respondent**

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

Present: Mr. Vikram Singh Lakhlan, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

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

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.643 dated 24.10.2023 registered under Sections 201, 302 and 379-B of IPC (corresponding section 238, 103 and 304 of B.N.S, 2023), registered at Police Station Sadar Bhiwani, District Bhiwani.

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

*“First Information Contents:*

*In the service of Police Station Sadar Bhiwani Subject - Regarding legal action in the murder of Naresh Kumar son of Jaisingh village Gujrani, it is requested that I, Bharat Singh son of Jaisingh, resident of village Gujrani, we are three brothers, the elder one was Naresh, then younger is me, Suraj Singhis than me, our father had passed away, Naresh Kumar was married and has two children Ravi and Jagrathi, my brother has Eeco No. HR-16U-7084, which was hired for taking the village children to*

*G.R Sainik School Bhiwani and taking them back, there were holidays for Dussehra festival, on 22.10.2023, my brother Naresh Kumar left with his Eeco car from Gujrani for old bus stand Bhiwani at around 10.00 AM, as it was late in the night, my cousin brother Vinod son of Mukhyatar village Gujrani called Naresh's mobile number 9416506555 from his mobile number 9138261613 at 08.15 PM, Naresh Kumar spoke, he will be back in ten minutes, then he went to Rajasthan. After two hours, when we tried to talk to Naresh Kumar then his phone was switched off. On 23.10.2023, in the morning, Naresh did not come home, so I and the family members took the help of CCTV cameras of Bhiwani city and Talu, Dhanana and Jataai and kept searching in the village. Today, on 24.10.2023, when we came to Police Station Sadar Bhiwani for giving missing complaint of Naresh Kumar, we came to know that the police were taking action on the dead body of my brother Naresh Kumar in Gujrani Pump House, Tigdana, and then I, Suraj Singh, Vinod, uncle Subhash son of Kaluram and other family members met with police. I identified the dead body of my brother Naresh Kumar, who had Ravi written on his left hand, there was a blow on the left side of neck, the finger of the left hand was chopped, there was an injury on the chest, and there was an injury on the leg. When my brother was searched, A note of Rs 200/- has been found whose number is 9KH116938 neither wallet nor mobile nor car was found. My brother Naresh Kumar was murdered for snatching Eeco car number HR16U-7084 and with the intention of looting and by killing him and throwing his body in Jui Canal and Gujrani Minor. Legal action be taken against the murderers. Applicant Bharat son of Jai Singh, Mobile No. 9416897333, 9315111786.”*

3. Learned counsel for the petitioner has submitted that the petitioner was initially arrested on 07.11.2023. Learned counsel appearing for the petitioner submits that the petitioner was involved into the FIR in question primarily on suspicion. Learned counsel has further argued that all prime private witnesses stand examined. He has further urged that the

petitioner has suffered incarceration for more than 2½ years and conclusion of trial will take long. Thus, regular bail is prayed for.

4. Learned State counsel has vehemently opposed the present petition by arguing that the allegations raised are serious in nature and, hence, the petitioner does not deserve the concession of regular bail. She seeks to place on record custody certificate dated 23.05.2026, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. It is not in dispute that the petitioner came to be arrested on 07.11.2023 whereinafter investigation was carried out and challan was presented on 11.03.2024. Total 51 prosecution witnesses have been cited and out of which 32 stand examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

*“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.*

*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.”*

The rival contentions raised at Bar 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.

Further as per custody certificate filed today, the petitioner has suffered incarceration for a period of 2 years, 6 months and 21 days and is stated to have involved in other cases/FIRs. 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, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of above, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)  
JUDGE

May 25, 2026  
Naveen

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