



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

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**CRM-M No.25002 of 2026
Date of decision : 8.5.2026
Date of uploading : 8.5.2026**

Dharamendra Sadaiye

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Krishan Singh, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

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.21 dated 29.1.2021 under Sections 302, 201 and 34 of the IPC, registered at Police Station Ambala Sadar, District Ambala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Mishri Lal alias Muri Jhula son of Adhanu Sadaye resident of village Nahri Siswaha Police Station Khatona District Madhubani, Bihar or age 45 years, Mobile No. 9546966977, stated that I am a resident of above mentioned address and do labour work. I have been coming to contractor Heera Lal Yadav in Rice Mill of village Balana, District Ambala for working as a labourer for the last 3/4 years. Other persons from my village also come with me to work in this mill. In the month of October 2020, I came to Ambala for labour work with my nephew Ram Kumar Sahaye alias Giggall son of Ram Chaltar resident of village



Nahri Siswaha Bihar. About 20/25 other persons from our village also came with us. All of us used to work in Thakur Mill in village Balana and lived here. Shiv Kumar son of Bindu Sadaye and Dharmendra Sadaye son of Chhota Kalar and Ram Dular Sadaye son of Gudar Sadaye of our village used to fight with my nephew after drinking alcohol. After the mill work was over on 14 January 2021, contractor Hira Lal Yadav settled our accounts and told us to go back to our homes on 17.01.2021. All the labourers left for Bihar on 17.01.2021. I sat in a tempo with my nephew. My nephew Ram Kumar was sitting in another tempo to go to Ambala Cantt, Shiv Kumar, Dharmendra and Ram Dular were also sitting in another tempo with my nephew. We reached Ambala Cantt bus stand by tempo and after waiting for a long time, Shiv Kumar, Dharmendra and Ram Dular sitting in another tempo came to Ambala Cantt. I asked them about Ram Kumar. These three said that we do not know where Ram Kumar is. Whereas, my nephew Ram Kumar was sitting in the tempo with these three. After waiting for a long time when Ram Kumar did not come or when the bus arrived at the bus stand, we all sat in the bus and came to our home in Bihar. We had no idea about Ram Kumar's whereabouts. We also told contractor Hira Lal about this on the phone. The contractor also told us that Ram Kumar is not there. On 25.01.2021, we got information from Ambala Police that a dead body has been found and a mobile phone has also been found in the water drain. In which our home phone number was there. We also called the contractor in this regard. The contractor told that the dead body has been found in the water drain of village Balana and I have seen the dead body by going to Civil Hospital Ambala City and it is of Ram Kumar. On this information, on 28.01.2021, I and other members of my family and Ram Kumar's wife Tara Devi came to Ambala city and identified the body. This body was of Ram Kumar. On 17.01.2021, when all of us labourers left for our homes, we all left for Ambala Cantt from village Balana at around 09.00 AM. Then my nephew was with Shiv Kumar, Dharmendra and Ram Dular. All of us reached Ambala Cantt bus stand at around 10.00 AM, whereas, Shiv Kumar, Dharmendra Singh and Ram Dular came at around 11.00 AM and immediately boarded the bus. I am fully confident that Shiv Kumar, Dharmendra and Ram Dular caused injuries to my nephew Ram Kumar and thrown into the drain of village Balana to destroy his body. Action should be taken against these three. I have got recorded my statement., I have heard it, which is correct. Sd/- Mishri Lal ATTESTED AMAR SINGH SI PS AMBALA SADAR DT 29.11.2021.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.2.2021. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question primarily



on the basis of suspicion/circumstantial evidence. Learned counsel has further urged that the petitioner is in custody for more than 5 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 on record custody certificate dated 6.5.2026 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. It is not in dispute before this Court that the petitioner is in custody since 17.2.2021. Upon culmination of investigation, challan was presented way-back on 6.4.2021 wherein 13 prosecution witnesses have been cited but despite lapse of about more than 5 years, only 5 witnesses stand examined and 01 has been given up. From the material brought forth before this Court, it cannot be said that the trial is procrastinating on account of delay caused at the end of the petitioner. 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 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.

6.1 As per custody certificate dated 6.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 years, 2 months and 28 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall be required to deposit either an FDR or cash surety in favour of the Court releasing him on bail to the tune of ₹10,000/-.

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.

(SUMEET GOEL)
JUDGE

8.5.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No