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

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Date of Decision: 03.07.2026

**DHARMENDRA****... PETITIONER****VERSUS****STATE OF HARYANA****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Amit Kumar Jain, Advocate for the petitioner.

**H.S. Grewal, J.(Oral)**

1. This petition has been filed for grant of regular bail under Section 483 of BNSS (erstwhile Section 439 Cr.P.C) in case FIR No. 153 dated 21.03.2023 under Sections 302,120-B, 34 of IPC (Sections 191(3), 190,103,61(2) of BNS) and Section 25 of Arms Act registered at Police Station Hodal, District Palwal.

2. The case of the prosecution is that the petitioner, along with the co-accused, attacked the deceased, Raju, and assaulted him. It is alleged that the co-accused, Hariom and Kartik, fired gunshots at the deceased, resulting in his death.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and was not present at the place of occurrence. It is further submitted that the petitioner was initially exonerated by the Investigating Agency. Learned counsel contends that the petitioner has been nominated as an accused solely on the basis of the disclosure statement made by the co-accused, which is inadmissible in evidence. It is further argued that, in the absence of any substantive evidence against the petitioner, a polygraph test was conducted, and it is only on the basis of the said test that the

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petitioner came to be nominated as an accused. Learned counsel submits that it is a settled proposition of law that the result of a polygraph test is not conclusive proof of guilt and cannot, by itself, form the basis of implicating an accused. It merely records physiological response such as changes in heartrate, blood pressure and, therefore, cannot definitively establish that a particular answer is false. It is further contended that the requisite test about the heart rate, pulse, precipitation, breathing orders and blood-pressure etc. had not been taken before commencement of the test, hence, the test results may not be correct reflection. He further submits that the co-accused has already been granted concession of regular bail by the Coordinate Bench of this Court in CRM-M-70824-2025 vide order dated 02.04.2026. The petitioner is in custody since 02.07.2025 and the trial is likely to take considerable time. Therefore, continued incarceration of the petitioner would serve no useful purpose and he deserves the concession of regular bail.

4. Notice of motion.

5. Mr. Vijay Kumar, AAG, Haryana accepts notice on behalf of the respondent-State and Mr. Bhaskar Sorout accepts notice on behalf of the complainant. They have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was actively involved in the commision of alleged offence. Ld. State counsel has filed the custody certificate in the Court today and the same is taken on record. As per the custody certificate, the petitioner is in custody for the last 01 year and 01 day and is not involved in any other case. He further submits that, out of the 31 cited prosecution witnesses, only one witness has been examined so far.



6. I have heard the learned counsel for the parties and perused the record.

7. In view of the above submissions made by learned counsel for the parties and keeping in view the fact that the petitioner being eventually found innocent in the proceedings and being roped in solely on the basis of a result of polygraph test, which such result give rise to arguable issues to be determined during the course of the trial; the petitioner is in custody for the last 01 year and 01 day out of 31 cited prosecution witnesses only 01 has been examined so far; not involved in any other case; co-accused have been granted concession of regular bail and that the trial is likely to take a long time, therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025, decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on



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regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.           However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

03.07.2026  
*renu*

(H.S.GREWAL)  
JUDGE

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