

CRM-M-25630-2025

2026:PHHC:006179



222

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25630-2025

Mandeep alias Lafander

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: January 19, 2026
Date of Uploading: January 19, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. V.B. Godara, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (Old Section 439 of Cr. P.C.), for grant of regular bail to the petitioner, in case bearing FIR No.35 dated 17.02.2024, registered for the offences punishable under Sections 302, 201 & 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Dujana, District Jhajjar.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Amardeep, son of Ramkaran, a resident of Village Mehrana, informed the police that on 17.02.2024, at about 7:50 A.M., he was on his way to his field in Village Manjhar. When he reached near the water pond on the canal track, he noticed a dead body lying near the canal, bearing bloodstains and visible injuries. He immediately dialed 112 and

CRM-M-25630-2025

informed the police that an unknown person appeared to have been murdered by some unidentified individual. During the course of investigation, on 17.02.2024, the dead body was identified by Kewal Singh as that of his father, Ramesh Kumar.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 20.02.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that prime prosecution evidence available, against the petitioner, along with challan/ charge-sheet, is a CCTV footage in which the petitioner is seen accompanying the deceased, and his own disclosure. Learned counsel has further argued that the trial is procrastinating and folly thereof is not attributable to the petitioner. Learned counsel has iterated that main witness, namely, PW-Kewal Singh (father of the deceased) is not repeatedly turning up to have his testimony recorded inspite of issuance of bailable and non-bailable warrants issued against him. Learned counsel has iterated that the petitioner is a man with clean antecedents. Learned counsel has further iterated that the petitioner is in custody for more than 1½ years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that there are direct/ serious allegations against the petitioner and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 16.01.2026, in the Court today, which is taken on record.

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

CRM-M-25630-2025

6. The petitioner was arrested on 20.02.2024, whereinafter, the investigation was carried out and the challan has been presented on 23.07.2024. Total 21 prosecution witnesses have been cited, out of which, 07 have been examined and 01 has been given up till date.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which 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.

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.

CRM-M-25630-2025

6.2. As per custody certificate dated 16.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 10 months and 26 days, & is not shown to be involved in other FIR(s).

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 cellphone 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.

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.

CRM-M-25630-2025

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

January 19, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No