

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

2026:PHHC:075031



**CRM-M-26240-2026 (O&M)
Date of Decision: 14.05.2026**

RAJINDER

... PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Mohit Saini, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in FIR No. 50 dated 16.02.2021 under Sections 148, 323, 324, 326, 302, 307, 452 and 506 read with Section 149 of IPC (corresponding Sections 191(3), 115(2), 118(1), 118(2), 103(1), 109, 333, 351(2)(3), 190 BNS registered at Police Station Baldev Nagar, District Ambala.

2. The case of the prosecution is that on 16.02.2021 at about 06:30/07:00 PM, an altercation took place between the complainant party and accused persons, which was converted into lethal fight amongst them. In this occurrence, Arun @ Anu, who was brother of the complainant, had succumbed to the injuries. The role attributed to the petitioner is that he gave a kick blow on the testicles of the deceased.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The injury attributed to the petitioner is not grievous in nature. Co-accused Sandeep

Soda @ Lucky, Akash Kumar @ Guddu and Shakti @ Rimpi have already been granted bail by this Court in CRM-M-3364-2025, CRM-M-28995-2025 and CRM-M-23395-2026 on 24.03.2026 and 01.05.2026. He further submits that the petitioner is in custody for the last 04 years, 10 months and 27 days and is not involved in any other case. He, thus, prays for grant of bail to the petitioner.

4. Notice of motion.

5. Dr. Malvika Singh, D.A.G., Haryana accepts notice on behalf of the State and vehemently opposed the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. She further submits that as per the custody certificate, the petitioner is in custody for the last 04 years, 10 months and 27 days and out of total cited 31 prosecution witnesses, only 04 witnesses have been examined so far.

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

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that co-accused have already been granted bail by this Court; the petitioner is in custody for the last 04 years, 10 months and 27 days and is not involved in any other case; out of total cited 31 prosecution witnesses, only 04 witnesses have been examined so far; the conclusion of trial is likely to take time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, *'bail is rule and jail is exception'*.

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

10. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

14.05.2026

Janki

(H.S.GREWAL)
JUDGE

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