

2026.PHHC.078204



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26482-2026

Mohan

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	15.05.2026
2	The date when the judgment is pronounced	20.05.2026
3	The date when the judgment is uploaded on the website	20.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Partap Singh, Advocate and
Mr. Manav Sharma, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 768 dated 04.11.2021 registered under Sections 302, 201, 404 and 34 of IPC at Police Station Assandh, District Karnal.

2. The aforementioned FIR was registered on the basis of statement

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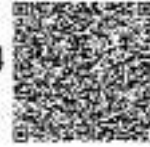
recorded by the complainant Gurnam Singh, alleging that on the night of 03.11.2021, while going home, he had seen his brother Sanjeev Kumar @ Sandeep to be present along with the present petitioner, co-accused Deepak, Amit and Vinod while consuming liquor by sitting near a wine shop. He had asked his brother to come home, but his companions had told that he would come back after some time. However, the dead body of his brother was found lying in their fields in the next morning. By alleging that the petitioner and the co-accused had hand in the murder of his brother, the complainant prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The petitioner and co-accused were arrested on 05.11.2021. They suffered disclosure statements admitting their involvement in the crime. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has been in custody since 05.11.2021. There are no chances of conclusion of trial in near future as only 07 out of 22 prosecution witnesses have been examined so far. The co-accused Deepak and Amit have been extended benefit of bail. On parity, he too deserves to be released on bail. His continued detention would not serve any useful purpose. His prolonged incarceration is militating against the provisions of Article 21 of the Constitution of India. It is, therefore, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that taking into

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consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner in connivance with the co-accused is alleged to have caused homicidal death of the victim on the night of 03.11.2021. Out of 22 witnesses only 07 have been examined so far. The petitioner is in custody for a period of over 04 years and 06 months. The co-accused Deepak and Amit, whose case is on similar footing, have been extended benefit of bail. The petitioner is to be treated at parity. The prolonged incarceration of the petitioner militates against his fundamental right to a speedy trial. As mandated by the Hon'ble Supreme Court in the authority cited as ***Balwinder Singh vs. State of Punjab and another, 2024 SCC OnLine SC 4354***, the constitutional right of an accused cannot be denied to him. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the petition is allowed, and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found

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involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit granted by this court.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

[MANISHA BATRA]
JUDGE

20th May, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |