



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

236

CRM-M-27051-2026

Date of decision :18.05.2026

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MANJEET**.....PETITIONER****Versus****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG, 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.4 dated 05.01.2024 under Sections 307, 324, 326, 342 of IPC, registered at Police Station Old Subji Mandi, District Rohtak.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"To, Incharge, Sukhpura Chowki, Rohtak. Sir, It is respectfully submitted that I am Sukhbir Singh, son of Malkhan Singh, resident of Ladhaut Road, Surya Nagar Colony. We were six brothers, out of whom four have passed away. My younger brother Satbir and his wife have also died. They have a son, Manjeet, who is addicted to drugs. Manjeet's wife, Khushbu, passed away on 13.12.2023 due to illness. Manjeet has two sons aged 6 and 3 years, who are now living with his sister Geeta. Manjeet lives alone in the house. The wife of my younger brother Yudhveer, namely Sheela Devi, provides food to Manjeet. Today, dated 05.01.2024, at about 11:00 AM, when I was passing in front of the house, I heard Sheela screaming. When I looked, the gate of Manjeet's house was closed from inside. On the roof near the parapet, Manjeet was assaulting Sheela, the wife of my brother Yudhveer, with a sharp-edged weapon. When I raised an alarm, Manjeet left Sheela, opened the gate, and ran away. When I went upstairs, I saw



Sheela lying unconscious in a pool of blood. My family members took her in a private vehicle to the Trauma Center, PGIMS Rohtak, where she was admitted. Manjeet attacked Sheela, the wife of my brother Yudhveer, with an iron sharp-edged weapon with the intention to kill her due to previous enmity. Therefore, legal action may kindly be taken against him. Sukhbir Singh Mobile No.: 9416101826 Date: 05.01.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 05.01.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the victim (Sheela Devi) stands examined. Learned counsel has further urged that the offence under Section 307 of IPC is not made out against the petitioner. 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 15.05.2026 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. The petitioner was arrested on 05.01.2024 and it is the conceded case before this Court that the petitioner is in custody since then. Total 27 prosecution witnesses have been cited, but 7 have been examined till date. It is thus indubitable that the culmination of the trial will take its own time. It is not in dispute that the injured witness, namely Sheela Devi, stands examined as a prosecution witness. 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 by learned counsel 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 15.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years 4 months and 9 days & is shown to be involved in other case. As per the said custody certificate, the petitioner is stated to be involved in more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to



decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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.

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

18.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No