



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

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**CRM-M No.29572 of 2024
Date of decision : 12.3.2026
Date of uploading : 12.3.2026**

Ajay @ Bagdi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Gahlian, Advocate, for the petitioner

Ms. Mahima Yashpal, Senior DAG, Haryana

Mr. Amit Kumar, Advocate, for
Mr. Anshuman Dalal, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.364 dated 9.10.2021 under Sections 302, 379-B of IPC and Section 25 of Arms Act, 1959 (Sections 395, 396, 397, 412, 212, 201, 120-B, 109 of IPC and Section 27 of Arms Act were added later on), registered at Police Station Asaudha, District Jhajjar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To SHO Sahab Police Station Asaudha. Sir, I request that I Ashok Kumar son of Balbir Singh, caste Jat is resident of village Chhara, Tehsil Bahadurgarh, District Jhajjar. I am about 50 years old and do the farming



work. We are five brothers. The youngest among us was Bijendra alias Matru, whose age was about 40 years. Who used to supply bricks from the kilns. Yesterday on 08.10.2021 at around 12.00 noon, my younger brother Bijendra alias Matru left the house with his white Scorpio car whose registration number is HR-13R-3779 and my neighbor uncle Dayakishan son Tekram took him from home in his Scorpio and went to Rohtak Old Sabzi Mandi Police Station. Where there was a complaint against my younger brother Bijendra alias Matru's brother-in-law Naveen Kumar son Chand Singh of village Ismaila, currently living in village Chandi. After getting the matter decided there, my brother Bijendra alias Matru and my neighbor uncle Dayakishan reached the bus stand of village Chara at around 8/8:15 in the evening in the same Scorpio car. My neighbor uncle Dayakishan got down there and went to his house. My younger brother Bijendra alias Matru was coming towards his house in the above Scorpio. Our house is on Chhochi road from Chara bus above mobile numbers investigated by a cyber expert and find out the accused persons. Apart from this, if in future I or my family members suspect or get any information about anyone, we will get our statement written in this matter to you. I request you to solve the case of my brother's murder and snatching of my brother's Scorpio as soon as possible. Applicant- Ashok Kumar son of Balbir village Chhara-9991059286, Dt-09.10.21.'

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 13.10.2021 and is in continuous custody since then. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is said to be armed with the fire-arm and had been accompanying the main accused namely Saurabh, who is stated to have fired and killed the deceased. Learned counsel has further submitted that all the prime prosecution witnesses stand examined. Learned counsel has further submitted that the petitioner has already suffered incarceration for more than 4 years & is a man with clean antecedents. Thus, regular bail is prayed for.



4. Learned State counsel has filed reply by way of affidavit of Rajender Singh, HPS, Assistant Commissioner of Police, Bahadurgarh, District Jhajjar dated 31.8.2024. Raising submissions in tandem with the said reply, learned State counsel 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 11.3.2026 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 13.10.2021 wherein after investigation was carried out; challan was prepared on 8.4.2022 and subsequently filed. Total 48 prosecution witnesses have been cited, out of which only 24 have been examined till date. It is thus indubitable that culmination of trial will take its own time. 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.”

6.1 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.

6.2 As per custody certificate dated 11.3.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 4 years, 4 months and 24 days & is not shown to be involved in any other case.

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

12.3.2026
Ashwanii /Yag Dutt

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