



CRM-M-30431-2026 (O&M) -1-

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

347

**CRM-M-30431-2026 (O&M)
Decided on: 27.05.2026**

KULBHUSHAN @ KULLU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Aman Arora, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

SUBHAS MEHLA, J. (Oral)

1. By way of present petition, the petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short - 'the BNSS') in case bearing FIR No.771 dated 04.12.2018 (Annexure P-1), under Sections 148, 149, 323, 341, 379-B, 365, 427 and 506 the Indian Penal Code, 1860 (for short – 'the IPC') [Section 325 of the IPC and Section 25 of the Arms Act, 1959 added later on] registered at Police Station Surajkund, District Faridabad.

2. Learned counsel for the petitioner prayed for grant of concession of regular bail on the following grounds:



(I) the petitioner was granted regular bail on merits vide order dated 16.07.2019 passed by learned Additional Sessions Judge, Faridabad (Annexure P-2).

(II) During trial proceedings, the petitioner could not appear before the trial Court, consequent to which his bail was cancelled and non-bailable warrants were issued qua him. The petitioner was in custody in another case bearing FIR No.89 of 2025 registered at Police Station Bhupani and was produced before the court pursuant to production warrant.

(III) the petitioner has been granted regular bail in case bearing FIR No.89 of 2025;

(IV) the trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner behind the bars;

(V) the petitioner is ready to abide by such condition(s) as imposed by the Court.

3. Notice of motion.

4. On advance notice, Mr. Ramesh Kumar Ambavta, DAG, Haryana, who is present in the Court, accepted notice on behalf of respondent-State and opposed the concession of regular bail to the petitioner on the following grounds:

(I) the petitioner intentionally misused the concession of bail and absented from the trial;



(II) the petitioner is not having clean antecedents, as he is involved in another case;

(III) there is a serious apprehension that the petitioner may flee from the process of justice if he is released on bail again.

5. Heard.

6. Taking into consideration the facts and circumstances of the present case, the rival contentions of the parties, this Court finds merit in the present petition on the following aspects:

(I) the petitioner was granted bail on merits in this case, but due to his non-appearance his bail was cancelled and bail bonds/surety bonds were forfeited to the State;

(II) petitioner has been in custody since 07.04.2026, i.e. for the last more than one month;

(III) the trial is likely to take considerable time to conclude and no fruitful purpose would be served by keeping him in custody for any further period as concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is a rule, jail is an exception.

8. 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 bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate



CRM-M-30431-2026 (O&M) -4-

concerned subject to imposing such conditions so as to secure the presence of the petitioner during the trial.

(SUBHAS MEHLA)
JUDGE

27.05.2026

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO