



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

212

CRM-M No.30316 of 2026 (O &M)

Date of decision : 1.7.2026

Date of uploading : 1.7.2026

Naveen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Baljeet Beniwal, Advocate and
Mr. Joginder Narwal, Advocate, for the petitioner

Mr. Deepak 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.45 dated 6.4.2025 under Sections 103(1), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station BPTP, Faridabad, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*'To, The S.H.O. Sir, Police Station BPTP SECTOR, Sector 76, Faridabad.
Sir, it is humbly submitted that I, Sanjay, son of the late Sh. Jagmal, resident of village Khedi Kalan, Badeka Mohalla, Faridabad, am a laborer. My younger brother, Karnpal alias Bichhu, also worked as a laborer in the village. We are seven brothers and sisters. My brother Karnpal was 28 years old. He was still unmarried. On 04.04.25, at*



approximately 4:00 PM, Deepak, son of Rakesh, resident of village Khedi Kalan, came to our house and said that Karnpal alias Bichhu had spoken ill of his uncle's daughter and, while threatening, said to make him understand, for if he found him, he would kill him. Since that day, my brother Karnpal did not return home, and we kept searching for him here and there, but we could not find any trace of Karnpal. Today, on 06.04.25, at approximately 1:30 PM, my cousin Pawan received a phone call from Rakesh, son of Haridayal, resident of village Khedi Kalan, who said that he needed to discuss something important and asked him to come to the Ashram. Pawan went there, and Rakesh told Pawan that my son Deepak and nephew Naveen, son of Shyam, on 04.04.25, both took Karnpal on Naveen's Bullet motorcycle, went outside the village, beat him with sticks and rods, and killed him. They threw his dead body in the bushes near the Ashram with the intention of destroying the evidence, and that they would take Karnpal's dead body to UP and burn it somewhere so that no one would find out. Pawan came home and told me all these things. We discussed it within our family and reported it to the police. We, along with the police, found my brother's body tied in a sack near the Ashram. We have identified my brother's dead body. Deepak and Naveen have brutally beaten and murdered my brother. A murder case should be registered against them, and legal action should be taken. Sanjay 9899497314, dated 06.04.25.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 7.4.2025. Learned counsel has further urged that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the prime prosecution witnesses examined so far, including the FIR-complainant (Sanjay), who is none-else than the brother of the deceased, has turned hostile and thus, the trial is not likely to culminate into conviction. 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 30.6.2026 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 7.4.2025 whereinafter investigation was carried out; challan was prepared on 1.7.2025 and subsequently filed. Total 26 prosecution witnesses have been cited and till date only 4 have been examined. 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.”

It is not in dispute before this Court that the prime prosecution witnesses examined till date, including the FIR-complainant (Sanjay), have turned



hostile. The rival contention raised at Bar; including the weightage required to be attached to the hostile witnesses; shall be gone into 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 30.6.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 2 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.
11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

1.7.2026
Ashwanii

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