



(212) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31103-2026

Date of Decision: 01.07.2026

AMIT ALIAS MITA

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Naveen Kundu, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the concession of regular bail to the petitioner/accused, Amit @ Mita, in FIR No. 392 dated 12.09.2018, initially registered under Section 384 of the Indian Penal Code, 1860, with Sections 383, 392 and 397 of the Indian Penal Code, 1860 (now corresponding to Sections 308(1), 308(2), 309(4) and 311 of the Bharatiya Nyaya Sanhita, 2023), along with Sections 27 of the Arms Act, 1959, having been added during the course of investigation, registered at Police Station Kurukshetra University, District Kurukshetra, Haryana (Annexure P-1).

2. Learned counsel for the petitioner contended that the present petition has been necessitated on account of the cancellation of the petitioner's regular bail during the pendency of the trial. The petitioner had earlier been granted the concession of regular bail and was regularly facing trial. However, on 20.10.2023, he remained absent from the proceedings on account of



circumstances beyond his control. Consequently, the learned Trial Court cancelled his bail solely on the ground of his non-appearance. Thereafter, the petitioner was apprehended and produced before the learned Trial Court on 16.03.2026, and has remained in judicial custody ever since. It is respectfully submitted that the petitioner's absence was neither wilful nor deliberate, and there was never any intention on his part to evade the process of law or delay the trial. It is further submitted that the trial has substantially progressed, with 14 out of the total 16 prosecution witnesses having already been examined. In these circumstances, no useful purpose would be served by the continued incarceration of the petitioner, particularly when his presence can be secured by imposing such terms and conditions as this Hon'ble Court may deem fit and proper.

3. Notice of motion.

4. Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 30.06.2026, which is taken on record, subject to all just exceptions.

5. As per the custody certificate placed on record, the petitioner has already undergone a total custody period of 03 years, 08 months and 24 days. It is further submitted that there are six other criminal cases pending against the petitioner.

6. Learned State counsel has opposed the present petition and submitted that the petitioner does not deserve the concession of bail, as there is a likelihood that he may again absent himself from the trial proceedings, thereby causing delay in the conclusion of the trial.



7. On the other hand, it is pertinent to note that the petitioner was earlier on regular bail in the present FIR, having been granted the concession by the Coordinate Bench of this Hon'ble Court vide order dated 17.03.2023 in CRM-M-13727-2023. The said bail was subsequently cancelled by the learned Trial Court solely on account of the petitioner's absence from trial proceedings. It is further submitted that the petitioner was re-arrested and has been in custody since 16.03.2026, and has already undergone approximately 03 months of custody pursuant to the said cancellation. Significantly, the trial has not yet concluded

8. Be that as it may, considering the custody period already undergone by the petitioner, i.e. 03 years, 08 months and 24 days, and the fact that investigation stands completed, challan has been presented before the learned Trial Court, charges have already been framed, and out of 16 cited prosecution witnesses, 14 witnesses have already been examined, it is evident that the trial is at an advanced stage but is still likely to take some time to reach its logical conclusion.

9. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (CrI.) No. 8523/2024). In the present case,



the trial is likely to consume considerable time before reaching its logical conclusion. In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

10. Accordingly, the present petitioner is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.
2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.
3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.
4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof.



The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent herself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or her unauthorized absence from the trial proceedings, it shall be open to the learned Trial



Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

11. All pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings, shall also stand disposed of accordingly.

No separate or further orders are required to be passed in respect thereof.

(VIRINDER AGGARWAL)
JUDGE

01.07.2026

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