

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

2026.PHHC.089502



**CRM-M-32142-2026 (O&M)
Date of Decision: 02.07.2026**

RISHI		... PETITIONER
	VERSUS	
STATE OF HARYANA		... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. G.S.Dhillon, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. Second petition for regular bail has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (439 Cr.P.C.) in FIR No.50 dated 16.02.2021 under Sections 148 (191(3) of BNS), 149 (190 of BNS), 302(103(1) of BNS), 307(109 of BNS), 323(115(2) of BNS), 324(118(2) of BNS), 452 (333 of BNS), 506 IPC(351 of BNS) (Section 326 IPC (118(2) of BNS) added later on), at Police Station Baldev Nagar, District Ambala.

2. The case of the prosecution is that on 16.02.2021, an altercation took place between the complainant party and accused persons, which converted into a lethal fight amongst them. The petitioner along with the co-accused armed with swords, dandas and weapons attacked complainant's house. Petitioner was carrying knife in his hand and gave a blow on the neck of his brother Arun @ Anu, and he gave a second blow on his chest. Co-accused Lucky was having a sword in his hand and he gave a blow with it on the left side rib of his brother. Co-accused Rimpi was having an axe type weapon in his hand and he gave a blow on the left temple of his brother. Co-

accused Rajender gave a kick blow on the testicles of his brother. In this occurrence, brother of the complainant Arun @ Anu succumbed to the injuries.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner is in custody for the last 05 years, 04 months and 01 day. He, thus prays for grant of bail to the petitioner.

4. Notice of motion.

5. Mr. Vijay Kumar, AAG Haryana accepts notice on behalf of the State and vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 05 years, 04 months and 01 day and out of total cited 31 prosecution witnesses, only 04 witnesses have been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the petitioner is in custody for more than 05 years, 04 months and 01 day and and out of total cited 31 prosecution witnesses, only 04 witnesses have been examined so far; the trial was stayed at the behest of the complainant as proceedings under Section 319 Cr.P.C. were pending before this Court; the conclusion of trial is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of

the trial.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. 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 bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

02.07.2026

Janki

(H.S.GREWAL)
JUDGE

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