

2026.PHHC.029645



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

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CRM-M-33441-2025 (O & M)

Date of decision: 24.02.2026

SUKHJIWAN SINGH @ JIWAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aditya Sanghi, Advocate and
Mr. Shivam Jindal, Advocate,
for the petitioner.

Mr. B.S.Saroha, DAG, Haryana.

Mr. Arpandeep Narula, Advocate, for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.19 dated 16.01.2023, registered at Police Station Kalanwali, District Sirsa, under Sections 148, 149, 302, 307, 427, 216, 120-B and 472 IPC and Section 25 of the Arms Act, 54 of 1959.

2. Learned counsel contends that the petitioner has been in custody for 3 years and about 1 month. He alleges false implication. The allegations against him are of having thrown bricks during the alleged occurrence, however as per the medical report, there is no injury on the person of the deceased relating to the same. Co-accused, namely, Sunil

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Kumar alias Manga, who was stated to be present at the spot, has since been granted bail by this Court, on 14.05.2025, Annexure P-8, after being in custody of 2 years and 3 months, as also co-accused Navdeep alias Nabbi, vide order of even date. Charges have been framed on 07.03.2025, however, only 2 PWs stand examined and there are still 52 more to go. He is involved in 2 more cases wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that it is a case of double murder, while two others have also sustained injuries and the petitioner was a member of unlawful assembly and had thrown bricks. However, he is unable to controvert the submissions with regard to stage of the case; the petitioner being on bail in other cases and the co-accused having been released on bail.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 years and 21 days;

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on bail in other cases; co-accused are on bail; charges stand framed on 07.03.2025, but out of 54 PWs, only 2 have been examined; the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/heavy surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The petitioner shall also report to the concerned Police Station on the first Monday of every month.
- (x) The trial Court/Duty Magistrate may impose

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any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

24.02.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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