

**CRM-M-34437-2026****1**

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

(208)**CRM-M-34437-2026****Date of Decision : June 26, 2026****Gurneet Singh alias Deenu****.. Petitioner**

Versus

State of Haryana**.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Saini, Advocate, for the petitioner.

Mr. Rahul Dev, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023/ 439 of Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.54 dated 04.02.2024 registered under Sections 323 IPC- 115 BNS, 325 IPC- 117 BNS, 307 IPC- 109 BNS, 308 IPC-110 BNS, 427 IPC-324 (4) BNS, 506 IPC-351 BNS, 34 IPC- 3 (5) BNS (Section 325 IPC-117 BNS, 307 IPC-109 BNS added later on) at Police Station Gandhi Nagar, District Yamuna Nagar, Haryana.

2. Learned counsel for the petitioner argues that similarly situated co-accused Nitin Kumar alias Kaka, against whom the similar allegations have been made, has already been granted the concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-25909-2025 on 30.07.2025 (Annexure P-6) and therefore, the petitioner being similarly situated, be also extended the same benefit.

3. Notice of motion.



4. Mr. Rahul Dev, learned Additional Advocate General, Haryana who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned counsel for the respondent-State has not been able to dispute the fact that co-accused Nitin Kumar alias Kaka has been granted the benefit of regular bail by the Coordinate Bench of this Court on 30.07.2025 while passing order in CRM-M-25909-2025.

6. On being asked to point out any differentiating fact between the co-accused Nitin Kumar alias Kaka and the petitioner Gurneet Singh alias Deenu, learned State counsel has not been able to provide any differentiating fact qua the allegations that have already been made.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. Once, co-accused Nitin Kumar alias Kaka has already been granted the benefit of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-25909-2025 on 30.07.2025, the said benefit can only be denied to the petitioner in case, any differentiating fact between the petitioner and the co-accused Nitin Kumar alias Kaka is brought before this Court.

9. Learned counsel for the respondent-State has not been able to point out any differentiating fact.

10. Further, a detailed order has already been passed by Coordinate Bench of this Court giving the reasons for granting the regular bail to co-accused Nitin Kumar alias Kaka, which *ipso facto* becomes applicable in the case of the petitioner as well. For the ready reference, the order dated 30.07.2025 passed by the Coordinate Bench of this Court is as under:-

**“1. Relief sought**

The jurisdiction of this Court has been invoked under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.54 dated 04.02.2024 under Sections 323, 325, 307, 308, 427, 506/34 of the Indian Penal Code 1860 (325, 307 IPC Added later on) registered at Police Station Gandhi Nagar, District Yamuna Nagar, Haryana.

2. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR as false evidence has been collected during the investigation against the petitioner by police. He further submits that the petitioner is a young boy 20 years of age and is doing the saloon work, he is not named in the present FIR and no injury has been attributed to him. The petitioner is in custody since 28.02.2024 and no recovery is to be effected from him.

On behalf of the State/complainant

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. She seeks dismissal of the instant petition on the ground that the occurrence in question was captured by CCTVs and in the said footage, the petitioner and his three co-accused were seen coming out of the car used in the commission of the crime and the footage also shows that all of them were armed with deadly weapons and on the basis of identity of the petitioner in the said footage, he was arrested in the present case on 28.02.2024 if the petitioner is granted bail he may threaten the prosecution witnesses.

3. Analysis

Be that as it may, considering the custody period i.e. 01 year 05 months and 01 day for which the petitioner has suffered incarceration; the petitioner was nominated as an accused only on the basis of CCTV footage and no injury is



attributed to the petitioner, in addition to the fact that investigation is complete, challan stands presented to Court on 18.04.2024, charges have been framed on 05.11.2024 and total 03 prosecution witnesses out of 15 have been examined till date, which is suffice for this Court to infer that the conclusion of trial will take long time for which the petitioner cannot be detained behind the bars for an indefinite period.

Reliance can be placed upon the judgment of the Apex Court rendered in “Dataram versus State of Uttar Pradesh and another”, 2018(2) R.C.R. (Criminal) 131, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused



person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding



in prisons, leading to social and other problems as noticed by this Court in In Re-Inhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658

6. *The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.*

7. *However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”*

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in Balwinder Singh versus State of Punjab and another”, SLO (Crl.) No. 8523/2024. Relevant paras of the said judgment reads as under:



“7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution. 8. It is not for nothing the Author Oscar Wilde in “The Ballad of Reading Gaol:”, wrote the following poignant lines while being incarcerated: “I know not whether Laws be right, Or whether Laws be wrong; All that we know who be in jail Is that the wall is strong; And that each day is like a year, A year whose days are long.

4. DECISION:

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. In the afore-said terms, the present petition is hereby allowed. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.”

11. Keeping in view the above, as no differentiating fact between the petitioner and co-accused Nitin Kumar alias Kaka, who has already been extended the benefit of regular bail by the Coordinate Bench of this Court, has been pointed out, the petitioner is also granted the same benefit.

12. In view of the above and without commenting upon the merits of the case, present petition is allowed and accordingly, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned unless and until required to be kept behind the bars in any other case.

13. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the



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case.

June 26, 2026 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

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