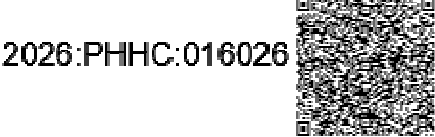


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-45287-2024

Sandeep @ DC
.....Petitioner
Versus
State of Haryana
...Respondent

Date of Decision: February 04, 2026
Date of Uploading: February 04, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Robin Singh Hooda, Advocate and
Mr. Nagar Singh, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.150 dated 22.05.2022, registered for the
offences punishable under Sections 302, 201, 212, 341 and 120-B of the Indian
Penal Code, 1860 (for short ‘IPC’), Section 25(1-B) of the Arms Act, 1959 and
Section 42 of the Prisons Act, at Police Station Bass, Police District Hansi,
District Hisar.

2. The gravamen of the FIR in question is that the on 22.05.2022,
information was received at the Police Station that two persons had been shot
on Puthi-Bedwa Road near Village Puthi. Upon receiving the information, SI
Nawal Singh, along with ASI Ramesh Chander, EHC Bijender, and Constable

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Baljeet, proceeded to the spot in official vehicle No.HR-21P-4465 driven by Constable Vinod Kumar. At the scene, the dead body of one person was found seated in the driver's seat of WagonR Car No.HR-46D-7105. Several empty and live cartridges were recovered from the spot. Approximately three acres away from the first location, towards Village Puthi, another dead body was found lying on the roadside, with empty cartridges recovered nearby. Photographs of the scene were taken using a mobile phone. Mobile phones recovered from the deceased helped establish their identities as residents of Village Nindana.

Upon receiving information, the relatives of the deceased reached the spot. Ranbir, father of deceased Amit, gave his statement stating that he had two sons, namely Amit and Ankit. He further stated that about one month earlier, Sandeep @ Dharti, Chand, Monu, Ashok @ Shoki, and their associates had fired at his son Amit at the village liquor vend. On 22.05.2022, his son Amit @ Gabdu had gone to Village Pali along with his friend Sandeep in WagonR Car No.HR-46D-7105 for medical treatment. While returning from Village Pali, they were allegedly waylaid by Ashok @ Shoki and 5-6 other persons, who opened indiscriminate fire on them. Sandeep died at the spot, while Amit attempted to escape by getting out of the car and running away. However, the assailants chased him, shot him, and he died at the scene. Ranbir further stated that his family had previous enmity with Sandeep @ DC (*petitioner herein*) and Ashok, and alleged that on the instructions of Sandeep @ DC (*petitioner herein*), Ashok and others had shot dead his son Amit and his friend.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 06.06.2023. Learned counsel has iterated that the petitioner has

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been falsely implicated into the FIR in question. Learned counsel has further argued that assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is ascribed the role of being the cause behind murder(s) as also being the prime conspirator, but the active role of firing shots has not been attributed to the petitioner. Learned counsel has further submitted that despite non-bailable warrants having been issued against PW – Sumitra (mother of one of the deceased), said PW is not turning up to have her statement recorded. Learned counsel has further argued that the petitioner is in custody for more than 02½ years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner 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 the custody certificate dated 11.01.2026, in the Court today, 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 06.06.2023, whereinafter investigation was carried out and challan has been presented on 14.08.2023. Total 61 prosecution witnesses have been cited, out of which, 02 have been passed away, 02 have been given up and only 01 has been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is

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responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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.”*

The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon 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 11.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 08 months and 03 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the

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Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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, if not required in any other case, 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 cellphone 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/Illaq 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.

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 04, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No