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2026:PHHC:000260



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Deepak Kumar
.....Petitioner
versus
State of Haryana
.....Respondent

Date of decision: January 08, 2026
Date of Uploading: January 08, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Kartar Singh, Advocate for the petitioner.
Ms. Priyanka Sadar Thakur, Senior DAG 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.411 dated 26.09.2023, registered for the
offences punishable under Sections 34, 342, 365 & 384 of the Indian Penal
Code, 1860 (for short ‘IPC’) and Sections 13(1)(b) & 7 of the Prevention of
Corruption Act, registered at Police Station Sadar Sirsa, District Sirsa.

2. The gravamen of the FIR in question is that complainant, namely,
Gurdeep Singh informed the police that on 26.09.2023, during daytime hours,
he was travelling on a motorcycle along with his friend. At about 2:30–3:00
p.m., when they stopped by the roadside to ease themselves, three persons who
were already hiding behind bushes suddenly approached them, forcibly dragged
them to a distance of about 200–300 meters from the road, and snatched their
mobile phones and wallets. The complainant stated that his wallet contained

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₹5,000, while his friend's wallet contained ₹2,500. Thereafter, the said persons threatened to falsely implicate them in a criminal case and also prepared a video. One of the accused was wearing a uniform, whereas the other two were in civil clothes, which, according to the complainant, was done deliberately. The accused then took them to a place about 2 kilometers away and demanded a sum of ₹10,000 to be transferred to their account. In compliance with their demand, the complainant transferred ₹5,000 through *GPay* after scanning a QR code, which reflected the name Manjeet Singh. In addition, the accused took ₹5,000 in cash from the complainant and ₹2,500 in cash from his friend, after which they released them. The complainant further stated that upon verification, he came to know the names of the accused as Kulvinder Singh, son of Kuldeep Singh, resident of Musahibwala; Manjeet Singh, resident of village Beghu; and Deepak Kumar (*petitioner herein*), resident of Kanganpur Road, Sirsa.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 21.02.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that no TIP (Test Identification Parade) has been conducted by the police so as to connect the petitioner with the crime in question. Learned counsel has further iterated that the petitioner has been primarily implicated into the FIR in question on account of his antecedents. Learned counsel has further argued that similarly placed co-accused, namely, Kulwinder Singh has already been granted regular bail, by a co-ordinate Bench of this Court, vide order dated 22.11.2023 passed in CRM-M-56510-2023. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus,

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the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 06.01.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 21.02.2025 and is in continuous custody since then. Investigation was carried out and challan has been presented on 27.04.2025. Total 18 prosecution witnesses have been cited and it is not in dispute before this Court that none prosecution witness has been examined till date. It is thus, indubitable that conclusion of the trial will take long time.

6.1. 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 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.”

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The rival contentions raised at Bar give rise to debatable issues, which shall 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.

6.2. As per custody certificate dated 06.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 16 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 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 on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition

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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/Illaqa 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.

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

(SUMEET GOEL)
JUDGE

January 08, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No