

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:048163



CRM-M-50001-2025 (O&M)

Baljeet @ Babli

... Petitioner

Vs.

State of Haryana

... Respondent

1.	The date when the judgment is reserved	24.03.2026
2.	The date when the judgment is pronounced	27.03.2026
3.	The date when the judgment is uploaded on the website	27.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.154, dated 03.12.2022, registered under Sections 302 and 120-B IPC and Section 25 and 27 of the Arms Act, at Police Station Bhupani, District Faridabad. His

previous petition bearing CRM-M-31989-2024 has been dismissed as withdrawn vide order dated 27.03.2025.

2. The aforementioned FIR was registered on the basis of a complaint filed by complainant – Bittu Singh, alleging that his father owned 5 acres of land at village Kidawali. In the year 2018, his father had entered into an agreement to sell that land in favour of one Akhtar for a sum of Rs.04.25 crores. An amount of Rs.35 lakhs was given as earnest money by the abovenamed Akhtar and the remaining payment was to be made within 22 months. The complainant and his family had been cultivating the said land and had also been residing in the same by making a house. After execution of agreement, accused Akhtar and Kalu extended threats to the complainant not to cultivate his land and otherwise to kill him. On the intervening night of 02/03.12.2022, the complainant had gone to village Jaidpur and in his absence, someone had killed his father by firing shots with some firearm. He found the dead body of his father lying in the fields and raised suspicion that he had been killed by the above named Akhtar and Kalu.

3. After registration of the FIR, investigation proceedings were initiated. The post mortem examination of the dead body of the victim was conducted. On 24.12.2022, the complainant recorded a supplementary statement on the basis of which the present petitioner and co-accused Udham Singh were nominated as additional accused. They were arrested on 25.12.2022. They suffered disclosure statements admitting their involvement in the murder of the victim. The petitioner got recovered one motorbike used at the time of occurrence, one empty cartridge and one

countrymade pistol whereas accused Udham Singh got recovered one countrymade pistol and one fired cartridge which were taken into possession. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He had no motive to kill the victim. The complainant had recorded his supplementary statement 11 days after the incident and there has been no basis for his naming the petitioner. The case rests upon the circumstantial evidence. There is no direct or indirect incriminating evidence to connect the petitioner with the murder of the victim. A false recovery has been planted upon him. He is in continued detention for a period of more than 03 years and 03 months. No useful purpose would be served by his further detention. There are no chances of conclusion of trial in near future as only 07 out of 34 prosecution witnesses have been examined so far. Each day spent by him in custody furnishes a new ground to him for seeking benefit of bail. The material witnesses stand examined and there are no chances of his intimidating them. They have not deposed anything against the petitioner. He has clean antecedents. It is, thus, argued that he deserves to be extended the benefit of bail.

5. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail. It is further argued that the instant one being the successive petition, is not even maintainable and does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned

counsel for the parties.

7. The petitioner in connivance with the co-accused is alleged to have hatched a conspiracy to kill the victim and in pursuance thereof, he along with co-accused Udham Singh is further alleged to have gone to the house of the victim on the fateful night. As per the allegations, accused Udham Singh had fired first shot with his countrymade pistol that had hit the victim and another shot was fired by the present petitioner, resulting into his homicidal death. As per the post mortem examination report, two firearm injuries had been sustained by the victim. One bullet had been recovered from the dead body of the victim and had been sent for forensic examination. As per the FSL report, this bullet had been fired from the pistol recovered at the instance of co-accused Udham Singh and not of the petitioner. The petitioner has also placed on record copies of statements of the complainant and other material witnesses, namely, PW2 Sharanjit Singh, PW3 Mangat Singh and PW4 Sheela, none of whom is shown to have stated that they had seen the petitioner while causing firearm injuries to the victim. Even PW4 i.e. wife of the deceased, who was present at the spot is not shown to have stated so. The petitioner had been named by the complainant after a gap of 11 days.

8. A bare perusal of the testimony of complainant – Bittu Singh shows that he had not eye witnessed the occurrence. The petitioner is in custody for a period of more than 03 years and 03 months. The chances of conclusion of trial in near future are bleak as only 07 out of 34 prosecution witnesses have been examined so far. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has

observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is also well settled preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence.

9. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudice the case of either of the parties, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief

Judicial Magistrate/trial Court/Duty Magistrate concerned.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

27.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE