

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2026:PHHC:029109



122

CRM-M-55822-2025 (O&M)  
Date of Decision: 24.02.2026

Sandeep @ DC

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lalit Kumar Narang, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

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MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case arising out of FIR No. 128 dated 06.04.2023 under Section 25 of Arms Act and Sections 148, 149, 302, 341, 506 of IPC (Sections 120-B, 195-A IPC added later on) registered at Police Station Meham, District Rohtak. His previous petition was dismissed as withdrawn on 17.07.2024.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant Mohit on 06.04.2023 alleging therein that on the same day, Sumit alias Sethi was returning from the street on a motorcycle along with his friend Anshul. When they reached near the house of Sonu alias Makkar, the accused namely Sandeep alias Dharti, Rohit Numberdar, Sonu alias

Makkar, Dheela, Sunil alias Sukha, Vikas alias VKN, all residents of Village Nidana, along with Sahil alias Gunga, suddenly emerged in the street and wrongfully restrained them by blocking their way. It was further alleged that the accused, while armed with firearms, fired multiple gunshots with the intention to kill Sumit alias Sethi and Anshul. On hearing the sound of gunfire, the complainant rushed to the spot and saw the accused persons holding weapons and threatening that enmity with them would prove costly. Thereafter, the complainant along with his cousin brother Sahil shifted the injured Sumit alias Sethi to Government Hospital, Meham, where he was declared dead due to firearm injuries. Anshul was referred and admitted to PGI Rohtak for treatment. The complainant further alleged that the incident was committed due to previous enmity, as his brother Sumit alias Sethi was a witness in another criminal case and the accused acted out of grudge.

3. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings and the postmortem examination of the dead body of the victim were conducted. During investigation, the complainant got recorded his supplementary statement on 14.04.2023, wherein he alleged that the subject offences were committed by the accused persons in conspiracy with the present petitioner and one Parveen Kumar. On the basis of the same, the petitioner and said Parveen Kumar were nominated in this case. Co-accused Parveen Kumar was arrested on 27.04.2023. The petitioner was also arrested on 02.05.2023 by way of issuance of production warrants as he was already in custody in connection with some other case. Some other persons were also nominated as accused in this case. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been

falsely implicated in this case on the basis of a supplementary statement got recorded by the complainant on 14.04.2023 i.e. after 08 days of the incident, which shows that he has been implicated in this case after due deliberation and as a result of afterthoughts. He was not named in the FIR. In fact, he was in custody at the time of occurrence. He is not alleged to be one of the assailants. He has been implicated in this case only in the aid of Section 120-B of IPC. He is in custody in this case since 02.05.2023. Investigation has since been completed and challan has been filed. Conclusion of trial would take considerable time as no prosecution witness out of total 35 witnesses has been examined so far. Similarly situated co-accused Parveen Kumar has already been granted concession of bail by this Court, vide order dated 16.09.2025 passed in **CRM-M-59819-2024**. On parity, the petitioner too deserves to be given the same benefit. His further incarceration would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and the custody certificate have been filed. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner as well as his criminal antecedents, he does not deserve to be extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has considered the rival submissions.

7. The petitioner was not named in the FIR and has been implicated subsequently on the basis of a supplementary statement of the complainant recorded after about 08 days of the occurrence. Admittedly, the petitioner was already in custody at the time of the incident and has remained in custody in the present case since 02.05.2023. Investigation stands completed and the challan has

already been presented before the competent Court. It is not disputed that out of the total 35 prosecution witnesses, none has been examined so far and the conclusion of trial is likely to take considerable time. Further, similarly situated co-accused Parveen Kumar has already been granted the concession of regular bail by this Court, as mentioned above. The case of the petitioner is, thus, covered by the principle of parity. These factors, in the opinion of this Court, are the grounds 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 rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive.

8. 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 keeping the petitioner in custody any more.

9. Accordingly, the petition is allowed and the petitioner is ordered to

be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit granted by this court.

10. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

11. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.02.2026  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |