

2026.PHHC.031307



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

125

CRM-M-60480-2025 (O&M)
Date of decision: 26.02.2026

Sushil @ Mithu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anshuman Dalal, Advocate for
Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. BS Saroha, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.437 dated 29.10.2021, registered under Sections 302, 34, 120-B, 411 IPC, 25, 27 of Arms Act, at Police Station City Jhajjar, District Jhajjar.
2. Learned counsel contends that the petitioner has been in custody for 3 years, 9 months, 5 days. There was no one named in the FIR. He came to be implicated in this case based on the disclosure statement of co-accused Abhishek and allegation against him and two other co-accused are of having fired shots. Though pistol has been recovered from the petitioner, however, the same as per FSL, Annexure R7, does not match. All material witnesses including eye-witness who has not supported the prosecution version stand examined, out of total 31. Though charges have been framed on 14.11.2022, however, 24 PWs still remain to be examined. He is involved in two more

cases. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are specification allegations against the petitioner. However, he is unable to controvert with regard to stage of the trial.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 3 years, 9 months and 5 days; charges were framed on 14.11.2022, however, material witnesses have been examined and 24 remain out of 31, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

26.02.2026

ashok

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