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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-63300-2025**

Pawan

....Petitioner

Versus

State of Haryana

....Respondent

Date of Decision: February 12, 2026**Date of Uploading: February 12, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Keshav Pratap Singh & Mr. Tarun Kumar, Advocates
for the petitioner (s).

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Manish Soni, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. 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.169 dated 13.04.2023, registered for the offences punishable under Sections 302, 285, 201, 148, 149, 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 (1-B) (a) of the Arms Act, 1959 (for short 'Arms Act') (Sections 201 and 120-B of IPC added later on), at Police Station City Sohna, District Gurugram.

2. The gravamen of the FIR in question is that on 12.04.2023 at about 8.00 AM, complainant (Lalit) alongwith his cousin brother Gyanender Bhola (deceased), in white swift car, came to Neta Farm House at Sohna-Palwal Road. At about 5.40 PM, when both of them came out of the farm house for smoking, then three vehicles, i.e., one black scorpio, one white Venue and one white

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Baleno came, and 15-20 persons alighted from the said vehicles. They encircled the complainant and his cousin brother. Two boys put pistols upon the complainant and made him to sit on the ground. Other co-accused, namely, Bharat and Kapil were armed with axes, Manish and Rohit were armed with hammers, Ajay was having pistol, Lalit alias Lalti (*petitioner herein*), Rajesh and Azad were having iron rods, and some other 8-10 unknown persons gave fatal injuries to his cousin brother Gyanender Bhola, who succumbed to his injuries.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 04.05.2023. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner was not named in the FIR. Learned counsel appearing for the petitioner has further submitted that *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the petitioner is implicated on the basis of a disclosure statement of co-accused & the role attributed to the petitioner is only of making a video of the incident in question. Learned counsel appearing for the petitioner has further iterated that the petitioner has suffered incarceration for more than 2 years and 9 months. Learned counsel also argued that the trial is procrastinating and the same is not on account of folly of the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel (assisted by learned counsel for the complainant) has opposed the present petition by arguing that the 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 10.02.2026, 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.

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6. The petitioner was arrested on 04.05.2023 whereinafter investigation was carried out and challan was presented on 19.01.2024. Total 61 prosecution witnesses have been cited, out of which, only 07 have been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. 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.

6.1. The trial is procrastinating and the petitioner ought not to be saddled with the folly thereof.

6.2. 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

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speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.3. As per custody certificate dated 10.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 09 months and 6 days & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu 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 12, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No