

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:009144



228

CRM-M-63041-2025 (O&M)
Date of decision:21.01.2026

Ashok

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nafees Ahmad Khan, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

MANISHA BATRA, J.

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.74 dated 30.06.2023, registered under Sections 302/34 IPC, at Police Station Sohna, District Gurugram.

2. The aforementioned FIR was registered on the basis of complaint lodged by the complainant – B. Parkash on 30.06.2023, alleging that on the previous evening, his brother had left home along with Jaistri @ Toni, the present petitioner and co-accused Lalit and Dinesh. Now his dead body was found lying near the Prem Farmhouse. By alleging that about 02 years back, an altercation had taken place between his brother, the petitioner and co-accused and they had killed him, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. The post-mortem examination of the dead body of the victim was conducted. The petitioner and co-accused were arrested on 30.06.2023. They suffered disclosure statement admitting their involvement in the crime. In pursuance of his disclosure statement, the petitioner got recovered the clothing worn by him at the time of occurrence. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on account of previous enmity. The case is based on circumstantial evidence. There is no eye witness to the occurrence. No incriminating article has been recovered at the instance of the petitioner. There is no forensic evidence to connect him with the crime. A false motive has been attributed to him. The complainant has since been examined and has not implicated the co-accused Dinesh, who has since been extended benefit of bail. On parity, he too deserves to be extended the benefit of bail. He is in custody since long. The trial will take considerable time to conclude as only 08 witnesses have been examined. His prolonged custody has extended a fresh ground to him to seek concession of bail. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned State counsel has argued that the present petition being a successive one, is not maintainable. Moreso, there are serious allegations against the petitioner. The complainant has supported the prosecution version qua him. The trial is going on at a proper pace and there is nothing on record to suggest that there would be any undue delay in the same. There is no drastic change in the circumstances. 18 out of 19

witnesses already stand examined. It is, therefore, urged that the petition does not deserve to be allowed.

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

7. The petitioner along with co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, is alleged to have caused homicidal death of victim. The allegations against the petitioner are serious in nature. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Moreso, the trial is at its fag end since only 01 prosecution witness remains to be examined. As such, it cannot be said that there would be any delay in conclusion of the trial. Keeping in view the gravity of the allegations, the quantum of sentence for which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

21.01.2026
harjeet

(MANISHA BATRA)
JUDGE

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