



CRM-M-67025-2025

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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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Date of Decision: 24.02.2026

BIRBAL

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Rajpreet Singh Brar, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS for grant of regular bail in case FIR No.23 dated 21.01.2020 under Sections 201/302/323/325/34/506 of IPC (Sections 302/201 IPC added later on) registered at Police Station Pundri, District Kaithal.
2. The case of the prosecution is that the petitioner inflicted a *tangali* blow on the head of the deceased, causing fatal injuries which ultimately led to his death.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the co-accused Shimla Devi has already been granted concession of regular bail by the Coordinate Bench of this Court. The petitioner is in custody since 21.01.2020.
4. Notice of motion.



5. Mr. Rakesh Kumar Jangra, AAG, Haryana, accepts notice on behalf of the respondent–State and has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner has actively participated in the alleged offence. He has filed the custody certificate in Court today and the same is taken on record. As per the custody certificate, the petitioner is in custody for the last 06 years, 19 days and is not involved in any other case. He further submits that out of 24 cited prosecution witnesses, 18 witnesses have been examined so far and prayed for dismissal of the bail.

6. I have heard the submissions made by ld. counsel for the parties and perused the record.

7. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact that the the petitioner is in custody for the last 06 years, 19 days; out of 24 cited prosecution witnesses 18 witnesses have been examined so far; and the trial is moving at a snail’s pace and is likely to take considerable time, this Court is of the view that further detention of the petitioner would not serve any useful purpose. Moreover, it is a settled principle of law that “*bail is a rule and jail is an exception*”.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.



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9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.
10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

24.02.2026
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(H.S. GREWAL)
JUDGE

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