



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

131

CRM-M-68310-2025 (O&M)

Date of decision: 16.03.2026

Mayank

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D. S. Virk, Advocate,
for the petitioner.

Mr. B. S. 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.173 dated 25.06.2020, registered under Sections 302, 115, 216A, 396, 34, 212 IPC at Police Station Kalayat, District Kaithal.

2. Learned counsel contends that the petitioner has been in custody for 05 years, 02 months and 22 days. His name surfaced based on the disclosure statement of co-accused Rajesh. There is no specific injury attributed to the petitioner and no recovery also effected from him. Other co-accused Aashish Dahiya @ Ashish, Gurmeet, Rajan and Rohit @ Dheela have been granted bail vide Annexures P-4 to P-7 respectively. Co-accused Ajay Mehra has also been granted bail by this Court vide order dated 20.01.2026, after being in custody for 05 years and about 05 month. There is no evidence to connect the petitioner with the alleged offence. There is no eye witness in the case. Charges have been framed



on 16.09.2021 and 18 including material prosecution witnesses out of 44 have been examined and PW7 Rajesh declared hostile. He is involved in four more cases, wherein he is on bail. 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 were specific allegations against the petitioner levelled by his co-accused being part of unlawful assembly and actively participated in the commission of offence. However, he is unable to controvert the submissions with regard to stage of the case; co-accused enlarged on bail and the petitioner being on bail in other cases.

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." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 05 years, 02 months and 22 days; co-accused are on bail; on bail in other cases; charges were framed on 16.09.2025, out of total 44 prosecution witnesses, 18 have been examined, the trial is likely to take



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

16.03.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No