

2026:PHHC:032470



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

116

CRM-M-70358-2025

Date of Decision: 27.02.2026

PRADEEP

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

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

Present: Mr. Sahil Choudhary, Advocate for the petitioner.

Ms. Ruchi Sekhri, Addl. A.G., Haryana.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 read with Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.464 dated 27.07.2018 under Sections 148, 149, 216, 302, 506 and 120-B of IPC and Sections 25/54/59 (wrongly mentioned as 25/45/59 in the head note) of the Arms Act, 1959 registered at Police Station Samalkha, District Panipat, Haryana.

2. The case of the prosecution is that one Rishi Gujjar fired a gunshot at Sompal, who after sustaining the injury fell down. Thereafter, the petitioner also fired at Sompal and as a result of the said firearm injuries, Sompal died on the spot. A pistol of .315 bore was also recovered from and at the instance of the petitioner, which matched the weapon used in the crime.

3. Learned Counsel for the petitioner contends that the petitioner has been facing trial Court since 2018 i.e. for the last more than 07 years and out of 28 prosecution witnesses, only 13 have been examined till date. The trial of the case is proceeding at a very slow pace. He further submits that the petitioner is in custody for the last 07 years, 04 months and 29 days. It is further stated that the main accused namely Rishi Gujjar has already been granted regular bail vide order dated 10.04.2024 (Annexure P-3). Learned counsel for the petitioner further states that the petitioner involved in two more cases, one under Section 379 which was

registered in the year 2017 i.e. prior to the present FIR and another case under the Arms Act, in which he has already been acquitted.

4. Notice of motion.
5. Ms. Ruchi Sekhri, Addl. A.G., Haryana accepts notice, files reply and and vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious. She further submits that the petitioner is a habitual offender as he is involved in two more cases. Hence, she prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner is in custody for the last 07 years, 04 months and 29 days.
6. I have heard learned counsel for the parties and perused the record.
7. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last 07 years, 04 months and 29 days and that the trial will take a long time to conclude, this Court is of the opinion that the petition in hand deserves to be allowed. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.
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.
9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging 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.

FEBRUARY 27, 2026.
Rajender

(H.S. GREWAL)
JUDGE

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