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2026:PHHC:023056



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Harinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

Date of Decision: February 16, 2026
Date of Uploading: February 16, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sahil Arora, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

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.85 dated 31.12.2024, registered for the offences punishable under Section 103 of the BNS, 2023, at Police Station Naya Gaon, District SAS Nagar, Mohali.

2. The gravamen of the FIR in question is that complainant, namely, Gobind Subedi, stated that he is a student of B.A. Part-II and resides at Naya Gaon along with his mother, Furshi Subedi, and his elder brother, Bali Subedi. His elder brother, who is married to Sirjana Subedi, is presently in Slovakia, Europe, on a work permit. His father, Yam Prashad Subedi, was

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employed as a Peon in the Hon'ble Punjab and Haryana High Court, Chandigarh.

He stated that on 26.12.2024, at approximately 8:00 A.M., his father left home, informing the family that he was going to the High Court to check whether the office was open. However, he did not return home by evening. At the time of leaving, his father was wearing an army-coloured jacket, black pants, and white sports shoes. He was not carrying a mobile phone, wallet, or significant cash. The complainant further mentioned that his father was an alcoholic.

When his father failed to return, the complainant, along with his friend, began searching for him at various places but to no avail. On 31.12.2024, he came to know that an unidentified dead body had been found in the fields of Village Kansal, and that the Police of Naya Gaon had kept the body in the mortuary of Civil Hospital, Kharar, for identification. Thereafter, he, along with his friends Dinesh Sahu and Naveen Thapa, went to Civil Hospital, Kharar, where he identified the dead body as that of his father.

He observed sharp-edged injuries on his father's body, specifically on the left palm, head, and the backside of the neck. It appeared that his father had died as a result of these injuries. He alleged that his father had been murdered by unknown persons using sharp-edged weapons and prayed for legal action against the perpetrators. Accordingly, an FIR was registered against unknown persons.

Subsequently, during the course of investigation, the complainant made a supplementary statement on 30.01.2025. He stated that

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on 29.01.2025, while he was present near a liquor vend situated on the road leading from Khuda Alisher to Village Kansal, he noticed some persons sitting by the roadside consuming liquor. It was dark at that time, and the said persons did not notice his presence. While drinking, one of the boys, who was wearing a turban and appeared to be aged between 19 to 21 years, and another boy, who was clean-shaven and appeared to be aged between 19 to 20 years, were conversing with each other. During their conversation, they allegedly stated that on the intervening night of 26/27.12.2024, they had committed the murder of a person who had disclosed his name as Yam Prashad Subedi, resident of Village Khuda Alisher near WWRW Society, Village Kansal, near a mango tree. They further remarked that no one had come to know about the commission of the said murder. During the conversation, the clean-shaven boy addressed the turbaned boy as Harinder Singh (*petitioner herein*), while the turbaned boy addressed the clean-shaven boy as Jashanpreet Singh alias Jassi. Thereafter, the complainant left the spot and made inquiries regarding the said persons. He came to know that the turbaned boy was Harinder Singh (*petitioner herein*), son of Balbir Singh, resident near Gurudwara Dukhniwaran Sahib, Village Khuda Alisher, Police Station Sector 11, Chandigarh, UT, and that the clean-shaven boy was Jashanpreet Singh alias Jassi, son of Jagtar Singh, resident of House No.351, near Tibbi Sahib Gurudwara, Village Khuda Alisher, Police Station Sector 11, Chandigarh, UT.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.01.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned

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counsel has argued that the case in hand is not of an eye-witness account. Learned counsel has further argued that murder in question had taken place on 26.12.2024, whereinafter, a supplementary statement of one Gobind Subedi was recorded on 30.01.2025, basis whereof, the petitioner was arrested. Learned counsel has further submitted that said person, namely, Gobind Subedi already stands examined as prosecution witness. Learned counsel has further argued that the petitioner has suffered incarceration for more than 01 year. Thus, regular bail is prayed for.

4. Learned State counsel has filed short reply by way of an affidavit dated 06.02.2026 as also custody certificate dated 14.02.2026, in the Court today, which are taken on record. Raising submissions in tandem with the said short reply, learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 30.01.2025, whereinafter investigation was carried out and challan has been presented on 18.03.2025. Total 22 prosecution witnesses have been cited, and it is not in dispute before this Court that, 02 prosecution witnesses have been examined, whereas 03 have been given up till date. It is, thus, indubitable that conclusion of the trial will take long.

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

The rival contention raised at Bar give rise to debatable issues, which shall essentially 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. As per custody certificate dated 14.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year and 13 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However, this factum

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cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances 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

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and shall not change his cell-phone number without prior permission of the trial Court/Illaqa 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 16, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No