



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

219

**CRM-M No.72323 of 2025
Date of decision : 22.1.2026
Date of uploading : 22.1.2026**

Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') read with Section 528 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.197 dated 13.05.2023, registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Barauda, District Sonipat.

2. The gravamen of allegations against the petitioner is that on 13.05.2024, at around 9:00 A.M., Nand Kishore (since deceased) had gone to Rohtak in a TATA Punch car bearing registration number HR-11P-4696, owned by Sunny, a friend of Yogesh, for some work. Later the same day, at about 6:00 P.M., his body was discovered lying in the bushes near a kucha road adjacent to Butana Canal, and the said car also found



parked nearby. The deceased had sustained multiple injuries on his head, forehead, left eye, and the back side of his left ear and face. In his supplementary statement, the complainant (brother of the deceased) disclosed that Nand Kishore had financial dealings with several individuals and had advanced a sum of ₹2,00,000 to Rakesh, who was running a nut-bolt factory under the name ARB Tools. According to the complainant, Nand Kishore had informed him that Rakesh had taken money from him, and on the day of the incident, he had gone to Rohtak to recover the said amount. Based on this, suspicion was raised that Rakesh, in conspiracy with others, had murdered Nand Kishore.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 19.05.2023. Learned counsel has iterated that the petitioner was not named in the FIR, which was lodged at the instance of FIR/complainant/ brother of the deceased. Learned counsel has further iterated that the petitioner has been implicated into the FIR in question primarily on the disclosure statement of co-accused Rakesh @ Rakesh Kumar, who has been extended the concession of regular bail by this Court vide order dated 16.9.2025 passed in CRM-M No.47727 of 2025. Learned counsel has further iterated that the petitioner is in custody for more than 2 years and 7 months and prime private prosecution witnesses stand examined. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Rahul Dev, HPS, Assistant Commissioner of Police, Gohana, District Sonapat in Court today. The same be kept on record. Copy thereof has



been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further argued that there are Call Detail Records (CDR) available, which shows that location of the petitioner and the deceased was at the same place. Learned State counsel has also argued that there is CCTV footage available, which clearly shows complicity of the petitioner qua offence in question. Learned State counsel seeks to place on record the custody certificate dated 6.1.2026, in the Court today, which is taken on record.

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

6. The petitioner was arrested on 19.05.2023 whereinafter investigation was carried out and challan was presented on 05.08.2023. Total 27 prosecution witnesses have been cited, out of which, 19 have been examined till date. It is not in dispute that prime private prosecution witnesses, including the FIR/ complainant/ brother of the deceased stand examined. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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.”

6.1 The rival contentions raised at Bar give rise to debatable issues, which shall 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.

6.2 As per custody certificate dated 6.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 7 months and 19 days & is not shown to be involved in any other case.

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 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 cell-phone number to the Investigating Officer/SHO of concerned Police Station 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.

(SUMEET GOEL)
JUDGE

22.1.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No