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

CRA-S-1256-2026

Date of decision : 13.05.2026

Manish @ Manish Yadav @ Monu**.....Appellant****versus****State of Haryana and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Santosh Kumar Tripathi, Advocate
for the appellant.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present appeal has been filed praying for setting aside the order dated 20.03.2026 passed by the learned Sessions Judge, Rewari vide which the petition under Section 483 of the BNSS, 2023 for grant of regular bail to the appellant in FIR No.330 dated 17.06.2023, under Sections 303 and 34 of IPC, 1860 and later on added Section 3(2) (V) of SC/ST Act, 1989 (Amendment 2015), registered at Police Station Model Town Rewari, District Rewari, was dismissed.

2. Succinctly the facts of the case are that the FIR in the present case was got registered on the statement of complainant, namely, Sonu, s/o Mahendra Singh. It was alleged that on 16.06.2023, at about 10:40 P.M., the complainant was at his home and in the meantime, Pravesh and Dhola were came to his house and told that his brother, namely, Sandeep was murdered and he was lying soaked in blood in Dhakkha Basti. The complainant immediately reached the place of occurrence, where he found that his brother was lying on the road in pool of blood. It was alleged that the complainant inquired into the matter and then, his aunt's daughter,



namely, Poonam, told that Monu (present petitioner), Vishal @ Ponga and brother of complainant, Sandeep, i.e. the deceased were drinking alcohol in the tempo (auto rickshaw) and then, Monu and Vishal @ Ponga started quarreling with Sandeep. Then, Monu broke the liquor bottle and hit on the neck of Sandeep, due to which, Sandeep fell down on the road and thereafter, Monu and Vishal @ Ponga ran away from the place of occurrence. Sandeep (deceased) was got admitted by the complainant to Government Hospital, Rewari, where he was declared dead. It was alleged that the deceased had a gold chain, which fell during the altercation. Thus, the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. The appellant was arrested on 17.06.2023. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The appellant approached the Court of learned Sessions Judge, Rewari praying for the grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Rewari, declined the bail application filed by the appellant vide order dated 20.03.2026. Hence being aggrieved, the appellant is before this Court by way of filing the present appeal praying for the grant of regular bail.

3. It has been contended by learned counsel for the appellant that the appellant has been falsely implicated in the present case. He submits that as per the case of prosecution, the same is based on the circumstantial evidence. He contends that though the prosecution initially, produced one eye-witness, namely, Poonam who at the time of examination before the trial Court, not supported the case of the prosecution and has been declared hostile. He submits that complainant, Sonu, is the another witness but his evidence is hearsay evidence as he has



deposed on the basis of information given by Poonam whereas, Poonam herself has not supported the case of the prosecution. He contends that the deceased was having enmity with various criminals and thus, there is every possibility that he has been killed by someone in order to take the revenge. He contends that as per the case of prosecution, that the appellant and deceased were drunk and the alleged occurrence has taken place at that time when they were drunk. He thus, submits that offence i.e. culpable homicide amounting to murder in itself is not even made out. In the facts and circumstances of the case, he contends that co-accused has already been granted bail by this Court. He submits that the appellant though is involved in three other cases, however, in one case, he has been acquitted whereas, in rest of the two cases, he is on bail. He submits that the appellant is behind the bars from last more than 2½ years, thus, right of the speedy trial is defeated in the present case. He submits that in the facts and circumstances, the appellant deserves to be granted bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the appellant. He submits that the appellant is the main accused as he has given the blow of the broken bottle on the neck of the deceased which resulted into his death. He contends that the role of the co-accused who has been granted bail, is distinguishable from that of the appellant. He, on instructions, submits that out of total 32 prosecution witnesses, 19 witnesses have already been examined. He has produced custody certificate of the appellant today in the Court and the same is taken on record.

5. Heard. On hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case has taken place on 16.06.2023. Though, initially prosecution produced one eye-



witness, namely, Poonam but she has not supported the case of the prosecution. Another witness PW Sonu, his evidence is said to be hearsay evidence. As submitted, out of 32 prosecution witnesses, 19 witnesses already stands examined. It has also been contended before this Court that the deceased had enmity with the appellant and other criminals. Custody certificate produced would show that the appellant has completed incarceration of 02 years, 10 months and 25 days as on 12.05.2026. It further reflects that the appellant is involved in 03 more cases, however in 02 of the cases he is on bail and in 01 case, he has been acquitted.

6. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**', has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by



both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the appellant succeeds in making out a case for grant of regular bail.

9. Accordingly, the present appeal is allowed and the impugned order dated 20.03.2026 passed by the learned Sessions Judge, Rewari is hereby set aside. The appellant is ordered to be released on bail during trial of present case on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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