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

CRM-M No.20392 of 2026

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

1.	The date when the judgment is reserved	13.05.2026
2.	The date when the judgment is pronounced	15.05.2026
3.	The date when the judgment is uploaded on the website	15.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Sullar, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under



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Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
26	14.01.2023	Gohana City, District Sonipat	302, 341 and 34 of IPC and 25 of Arms Act, 1959 (42 of Prisons Act, 1894 and 120-B, 201 and 216 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Subhash alleging that on 14.01.2023, his brother Azad and nephew Vinod had gone to the fields near Village Naeya where his brother Azad was shot dead by two unknown motor bikers. After registration of FIR, investigation proceedings were initiated. During the course of investigation, statement of one Parveen was recorded on 04.02.2023 as per which, on the fateful day, the accused got repaired the puncture in the tyre of their vehicle from his shop. He also handed over CCTV footage of the camera installed in his shop to the investigating agency.

3. The accused Manish was arrested on 13.02.2023. He suffered disclosure statement to the effect that he suspected that the victim Azad had a hand in the murder of his maternal uncle Rishi Pal that had taken place on 31.10.2020. For taking revenge from the victim, he had hatched a conspiracy, while he was lodged in Hisar Central Jail, with the co-accused Rahul @ Nanha. He further disclosed that in pursuance of the said



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conspiracy, the petitioner, accused Vicky and Gulfam had been joined and then the accused Vicky and the present petitioner had committed the murder of the victim. On the basis of his disclosure statement, the petitioner was nominated as an accused. He was arrested on 04.03.2023. On interrogation, he too suffered disclosure statement admitting his involvement in the crime and also took the names of other persons involved in the occurrence. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. Witness Vinod who was cited as an eye-witness during the course of investigation, has not supported the prosecution version. The co-accused Manish @ Kukku has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. There is no material on record to show his complicity in the subject crime. He is in custody since long. The trial is likely to take considerable time as only 08 out of 47 prosecution witnesses have been examined so far. The complainant was not an eye-witness. He too has already been examined. Hence, there is no question of petitioner's intimidating the material witnesses. It is, thus, argued that he deserves to be released on bail.

5. Per contra, learned State counsel while relying upon the status report has argued that taking into consideration the gravity of the allegations



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as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have hatched a conspiracy to eliminate the victim Azad and in pursuance of that conspiracy, the victim was allegedly killed by the present petitioner and co-accused Vicky. PW-3 Vinod who was the only eye-witness to the occurrence has since been examined. He has, however, not implicated the petitioner or any other person in commission of offence of murder of the victim. The co-accused Manish @ Kukku has been extended benefit of bail. The petitioner is in custody in this case since 04.03.2023 i.e. for a period of more than 03 years, 02 months and 10 days. Only 08 out of 47 prosecution witnesses have been examined. As such, the chances of conclusion of trial in near future are bleak. The trial is obviously delayed. It is well settled proposition of law that prolonged incarceration of an accused militates against his fundamental right of release on bail and liberty as guaranteed under Article 21 of the Constitution of India. In cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial in this case is apparently and evidently shown to have been delayed, as such this Court is of the considered opinion that further incarceration of the petitioner would not serve the ends of justice. Taking into consideration the above discussed facts and



circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial in any manner whatsoever, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

15.05.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No