



CRA-S-2273-2026

-1-

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

213

CRA-S-2273-2026

Date of Decision: 09.09.2026

MONTU ALIAS MONTY**... APPELLANT****VERSUS****STATE OF HARYANA AND ANR****... RESPONDENTS****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Balraj Gujjar, Advocate for the appellant.

H.S. Grewal, J.(Oral)

1. The appellant is aggrieved by the order dated 26.05.2026 passed by learned Additional Sessions Judge, Palwal, whereby his application for grant of regular bail in FIR No. 309 dated 22.07.2023 under Sections 302,365,201,34 of IPC (erstwhile Sections 103,140(3), 238,3(5) BNS, 2023) and Sections 3-3-89 SC/ST Act registered at Police Station Hathin, Palwal, Haryana was dismissed.

2. The case of the prosecution is that on 19.07.2023, complainant Jogender, son of Fakira, alleged that at about 2:30 PM his brother Surender (deceased) was taken away by co-accused Deepak and another person on a motorcycle bearing registration No. HR-52F-1539. Despite efforts, Surender could not be traced, and on 22.07.2023 the complainant got to know that Deepak and his associates had kidnapped and harmed his brother. During investigation, co-accused Deepak was arrested and, pursuant to his disclosure statement, the dead body of Surender was recovered. The appellant was thereafter arrested on the basis of Deepak's disclosure statement and allegedly got recovered a knife.



CRA-S-2273-2026

-2-

3. Learned counsel for the appellant contends that the appellant has been falsely implicated and has not committed the alleged offence. It is submitted that his name surfaced solely on the basis of the disclosure statement of the co-accused. It is further argued that the alleged recovery of the knife at the appellant's instance is highly doubtful, as no independent witness was associated with the recovery proceedings and the recovery is a planted one. Moreover, the recovered knife was not blood-stained. Learned counsel also submits that the complainant, in his testimony, admitted that he was not present when the deceased left with the co-accused and his mother told him. It is argued that the appellant has remained in custody since 23.07.2023, and the trial is likely to take considerable time to conclude.

4. Notice of motion.

5. Mr. Neeraj Sheoran, Sr. DAG, Haryana, accepts notice on behalf of the respondent-State. He has filed a reply by way of an affidavit of Ratan Deep Bali, HPS, Deputy Superintendent of Police, Hathin, District Palwal, along with the custody certificate in Court today. The same are taken on record. As per custody certificate, the appellant is in custody for the last 03 year 01 months and 16 days and is not involved in any other case. He further submits that out of 24 cited prosecution witnesses only 04 witnesses have been examined so far.

6. Mr. Abhinav Sood, Advocate accepts notice on behalf of respondent No.2. He has vehemently opposed the prayer made by Id. counsel for the appellant on the ground that the allegations against the appellant are serious and grave.



CRA-S-2273-2026

-3-

7. I have heard the learned counsel for the parties and perused the record.

8. Keeping in view the aforesaid facts and circumstances, this Court is of the considered view that the present appeal deserves to be allowed, particularly in view of the fact that the appellant is in custody for the last 03 years, 01 month and 16 days; he is not involved in any other case; his implication in the present case is primarily based on circumstantial evidence; and the evidence led so far does not sufficiently connect him with the alleged offence. Further, out of 24 prosecution witnesses cited, only 04 witnesses have been examined so far, and the trial is likely to take considerable time to conclude. Consequently, the present appeal is allowed. The order dated 26.05.2026 passed by the learned Additional Sessions Judge, Palwal, is hereby set aside. The appellant is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

10. It is clarified that if while on bail so granted through the instant order, the appellant is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

09.09.2026

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(H.S.GREWAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>