



CRM-M-49689-2026 (O&M)

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

CNR No: PHHC011470242026

2026:PHHC:127220

**CRM-M-49689-2026 (O&M)****Date of Decision: 09.09.2026****NAVEEN KUMAR @ CHHABILA****... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Abhaysher Singh, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. This is the first petition seeking regular bail under Section 483 of the BNSS, 2023 (U/s 439 Cr.P.C.) in FIR No. 81 dated 23.06.2024, registered under Sections 302, 120-B of IPC(Corresponding Sections 103 and 61 of BNS) registered at Police Station Lalru, District S.A.S Nagar (Mohali).

2. The case of the prosecution is that the FIR has been registered on the basis of statement of Randhir Singh to the effect that petitioner alongwith co-accused have murdered his son, namely Bittu. The role attributed to the petitioner is that he had given brickbat blow on the forehead of the deceased.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The complainant has not supported the case of the prosecution. He further submits that the petitioner is in custody for the last 02 years, 02 months and



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11 days and is not involved in any other case. He, thus, prays for grant of bail to the petitioner.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the State and has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. He has filed the custody certificate in the Court today and the same is taken on record. He submits that the petitioner is in custody for the last 02 years, 02 months and 11 days.

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

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the complainant has not supported the case of the prosecution; the petitioner is in custody for the last 02 years, 02 months and 11 days and is not involved in any other case; the trial is likely to take time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, *'bail is the rule and jail is the exception'*.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of ***Pardeep Kumar @ Banu versus State of Punjab***, bearing **Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025)**, decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without

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trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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

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

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(H.S.GREWAL)
JUDGE

09.09.2026

Janki

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