

CRM-20488 of 2026 in/and
CRA-D-113-DB-2010 (O&M)

118+234 CRM-20488 of 2026 in/and
CRA-D-113-DB-2010 (O&M)

STATE OF HARYANA V/S SURINDER SINGH AND ORS

Present: Mr. Shiva Khurmi, D.A.G., Haryana.

Mr. Jeevanjot S. Kang, Advocate
for respondents No.1 and 3.

Ms. Sumanjit Kaur, Advocate
for respondents No.7 and 9.

Mr. Brijender Kaushik, Advocate
for respondent No.10.

Mr. H.S. Randhawa, Amicus Curiae.

FIR No.	Dated	Police Station	Section
160	17.03.2006	City Kaithal	302, 387, 216, 511, 420, 467, 468, 471, 120-B IPC r/w 25 of the Arms Act

Sessions Case No.	36 of 2006 State v. Surinder Singh and others
Date of Institution	29.07.2006
Date of Decision	09.03.2009

1. The Accused/ Respondent no. 4, Baljeet Singh, who claims to be in custody in the above-captioned FIR, has come up before this Court for the second time by filing the present application for suspension of sentence under Section 430 r/w 528 of BNSS 2023.
2. As per the custody certificate dated 06.05.2026, the custody of the applicant in the present case is 14 years, 10 months, and 08 days, and the custody certificate also mentions serious criminal antecedents.
3. However, we are concerned about an incredibly grim situation that we must explain and address.
4. The present appeal, which is pending before this Court, after being remitted by the Hon’ble Supreme Court, is originally an appeal filed by the State of Haryana challenging the acquittal.

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5. Vide judgment dated Mar 09, 2009, Additional Sessions Judge, Kaithal had put thirty-three accused on trial, out of whom the present applicant, Baljeet Singh, was accused no. 23. The case originated from FIR No. 160 dated March 17, 2006, under Sections 302, 387, 216, 511, 420, 467, 468, 471, 120-B IPC r/w 25 of the Arms Act, Police Station City Kaithal.

6. The prosecution's case is being taken from the impugned judgment passed by the Additional Sessions Judge Kaithal.

7. On Mar 17, 2006, PW45 SI Sukhdev Singh, who was posted in Police Station City Kaithal, was conducting patrolling duty at Pehowa Chowk, Kaithal. At that time, Mukesh Kumar, the complainant, made his statement Ext PA based on which the above captioned FIR was registered.

8. The Complainant Mukesh Kumar informed the police that he had been working with M/s Arora Plywood at Chhatravas Road for the last two years. The said firm was owned by Narinder Arora and Bharat Bhushan Arora. On Dec 14, 2005, a phone call was received at the phone no. 22XXX, which was a landline number installed in the premises of M/s Arora Plywood. The caller had told his name as Baljeet Singh (applicant). He gave threats to Narinder Arora and demanded a ransom of Rs. 50 lacs. After that, Sube, Mahavir, Hoshiara, Sunny @ Jitender, and Ishwar began visiting the firm, issuing threats to Narinder and Bharat Bhushan Arora, and demanding a ransom of Rs. 50 lacs to be given to Surinder Geong, son of Ishwar Singh, and also to Anil, son of Ram Pal, in Karnal jail. They also threatened that if the ransom was not paid, then they would be shot dead. On this, Bharat Bhushan Arora and Narinder Arora became extremely scared and, out of fear, did not disclose the ransom demand to anyone.

9. On Mar 17, 2006, at about 8:15 PM, the complainant, Mukesh Kumar, locked the shutter of the shop, and at that time Narinder Arora was also present there waiting for his brother, Bharat Bhushan Arora, and the complainant was handing over the keys to them. At that time, two boys came from the Bus Stand side, who were 5'6 and 5'8 inches tall and aged 24 to 26 years. One of those boys moved closer to Narinder Arora, while the other positioned himself at the back of the car. The boy who was standing near Narinder exhorted that the ransom of Rs. 50 lacs had not been paid, despite their repeatedly asking for the same, and on this, he fired at the head of Narinder Arora, and both the assailants fled from the spot. The complainant and Bharat Bhushan Arora brought Narinder Arora to Dr. Shah Hospital at Kaithal in the same car, and Narinder Arora was referred to PGI, Chandigarh. The complainant said that he had come to give information to the police, and in the meantime, Narinder expired.

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10. The investigation started and a prima facie case was found against number of accused namely Sube Singh, Mahavir, Jitender, Surinder, Anil, Naresh @ Nesha, Jasmer, Darshan Singh, Rajesh, Sanjeev Kumar, Surinder, Dharambir, Raghbir, Sukhwinder, Devender Pal, Anil, Ram Lal, Ishwar, Ashok Kumar, Anoop and charges were framed against them vide order dated August 23, 2006 for offenses punishable under Section 120-B IPC, 387 r/w 511 IPC as well as 302 r/w 120-B IPC.

11. Some of the accused persons were arrested, and the police filed a chargesheet against them. The trial court framed charges against such accused and in the meantime, more accused persons were arrested. The supplementary police reports were filed, and charges were framed. Vide order dated January 12, 2008, the applicant-accused, Baljeet, was also charged for committing an offense punishable under Sections 420, 467, 471, and 302 r/w 120-B IPC.

12. The relevant details of the accused who were put on trial are as follows:

Accused No. before the Trial Court	Name of the Accused before the Trial Court	Father's Name of the Accused
A1	Surinder Singh	Ishwar Singh
A2	Sube Singh	Jagar Singh
A3	Mahavir	Sube Singh
A4	Jitender Kumar	Buta Singh
A5	Anil Kumar	Raj Pal
A6	Naresh @ Nesha	Babu Ram
A7	Jamser @ Jasmer @ Kala	Sube Singh
A8	Darshan Singh	Jodh Singh
A9	Rajesh Kumar	Duni Chand
A10	Gurdeep Singh	Surjeet Singh
A11	Sanjiv Kumar	Sat Narain
A12	Surinder Singh	Ram Dia
A13	Dharambir Malik	Hans Raj
A14	Raghbir Singh @ Kala	Baldev Singh
A15	Sukhwinder Singh @ Kaku	Amarjit Singh
A16	Devinder Pal @ Goldi	Tirlochan Singh
A17	Anoop	Raj Kumar
A18	Anil @ Pilla	Rajinder
A19	Ram Lal @ Lali	Rikhi Ram
A20	Ishwar Singh	Het Ram
A21	Ashok Kumar	Dilbag Singh
A22	Manjit @ Vicky	Phool Singh
A23	Baljeet Singh @ Jeeta	Dhoop Singh
A24	Joginder Singh	Ishwar Singh
A25	Surinder Pahalwan	Dalip Singh
A26	Harjinder Singh @ Fauji @ Balbir Singh	Pala Ram
A27	Nagender	Rameshwar
A28	Prem Singh	Zile Singh
A29	Baljeet Singh	Lakhmi

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A30	Lakhwinder Singh @ Lakha	Makhan Singh
A31	Nirmal @ Ladi	Surinder Singh
A32	Hoshiar Singh	Madana
A33	Sushil	Sunder Singh

13. Vide judgment dated Mar 09, 2009, Additional Sessions Judge, Kaithal, convicted Manjit @ Vicky [A22]. All other accused were acquitted of all charges, their bail bonds were discharged, and the accused in custody were ordered to be released.

14. On March 10, 2010, Manjit @ Vicky was sentenced to life imprisonment under §302 IPC, along with other sentences as mentioned in this judgment.

15. Thus, vide said judgment dated March 09, 2009, out of 33 accused who were put to trial, only one accused, namely Manjit [A22], was convicted, and the remaining 32 accused were acquitted.

16. Feeling aggrieved, Manjit @ Vicky, [A22] filed a criminal appeal challenging his conviction, which was registered as CRA-D-930-DB-2009.

17. In the meantime, the State also sought leave to appeal challenging the acquittal of only 12 out of 32 accused.

18. The relevant details of the twelve accused whose acquittal was challenged by the State of Haryan is as follows:

Sr. No.	Accused No. before the Trial Court	Name of the Accused before the Trial Court	Respondents No. before High Court in State's Appeal	Father's Name of the Accused
1.	A1	Surinder Singh	R1	Ishwar Singh
2.	A6	Naresh @ Nesha	R8	Babu Ram
3.	A8	Darshan Singh	R7	Jodh Singh
4.	A13	Dharambir Malik	R9	Hans Raj
5.	A18	Anil @ Pilla	R5	Rajinder
6.	A19	Ram Lal	R6	Rikhi Ram
7.	A23	Baljeet Singh	R4	Dhoop Singh
8.	A24	Joginder Singh	R3	Ishwar Singh
9.	A25	Surinder Pahalwan	R2	Dalip Singh
10.	A26	Harjinder Singh @ Fauji @ Balbir Singh	R10	Pala Ram
11.	A28	Prem Singh	R11	Zile Singh
12.	A31	Nirmal @ Laddi	R12	Surinder Singh

19. The appeal filed by the State was listed on Sep 17, 2009. There was a 57-day delay in filing the appeal, which was condoned. The Division Bench issued notice of motion regarding the grant of leave to appeal against the respondents.

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20. After that, the matter was listed on December 01, 2009 when it was adjourned for incomplete service of respondents No. 2 & 12. As per the report, respondent no. 12 was lodged in jail, and, as such, he was ordered to be served through the jail Superintendent.

21. After that, vide order dated Jan 22, 2010, the Coordinate Division Bench of this Court passed the following order:

“After hearing counsel for the parties and perusing the impugned judgment of acquittal, we are of the opinion that it is a fit case where the leave to appeal is to be granted. Accordingly, the application is allowed and leave to appeal is granted. Application stands disposed of accordingly.

Appeal is admitted.”

22. A perusal of the order sheet till Jan 20, 2010, does not contain any report about the service of respondents No. 2 and 12 as of that date, i.e., Jan 20, 2010.

23. On Feb 10, 2010, a Co-ordinate Division Bench of this Court heard the appeal filed by Manjit alias Vicky, CRA-D 930 DB of 2009, and also the appeal filed by the State of Haryana against the twelve acquitted persons CRA-D-113 DB of 2010, and by a common judgment decided both the appeals.

24. A Co-ordinate Division Bench did not find merit in the appeal filed by the convict Manjit and dismissed the CRA-D-930-DB-2009.

25. However, the appeal filed by the State, i.e., CRA-D-113-DB-2010, was allowed in part, and out of the acquitted respondents, the acquittal of Surinder Singh, Surinder Pehalwan, Joginder Singh, Baljeet Singh, Anil, Darshan Singh, Naresh, and Dharambir Malik was reversed, and they were convicted for offenses punishable under §§120-B, 302 r/w 120-B, and §386 IPC, and the details of those convicted accused are as follows:

Sr. No.	Accused No. before the Trial Court	Respondent No. before High Court	Name of the Accused before the Trial Court	Father's Name of the Accused
1.	A1	R1	Surinder Singh	Ishwar Singh
2.	A6	R8	Naresh @ Nesha	Babu Ram
3.	A8	R7	Darshan Singh	Jodh Singh
4.	A13	R9	Dharambir Malik	Hans Raj
5.	A18	R5	Anil @ Pilla	Rajinder
6.	A23	R4	Baljeet Singh	Dhoop Singh
7.	A24	R3	Joginder Singh	Ishwar Singh
8.	A25	R2	Surinder Pehalwan	Dalip Singh

26. Feeling aggrieved, the accused Dharambir Malik, [A13/R9], who had been convicted by the Co-ordinate Division Bench of this Court in the appeal filed by the State

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of Haryana challenging the acquittal, filed an SLP before the Hon'ble Supreme Court of India.

27. Vide judgment dated July 14, 2014, Hon'ble Supreme Court in Criminal Appeal No. 927 of 2014 with Criminal Appeal No. 987 of 2014 allowed the appeals and remitted the matter to the High Court to restore CRA-D-113-DB-2010 to its file and decide the same on merits after affording a reasonable opportunity of hearing to the parties concerned. It shall be relevant to reproduce the judgment passed by the Hon'ble Supreme Court, which reads as follows:

“O R D E R

1. *These appeals are directed against the judgment and order passed by the High Court of Punjab and Haryana in Criminal Appeal No. D-113-DB of 2010, dated 10.02.2014.*

2. *By the impugned judgment and order, the High Court has reversed the finding of the District and Sessions Judge, Kaithal, Haryana.*

3. *The learned counsel for the appellant(s) vehemently contend before us that before passing the impugned judgment and order, neither the accused nor his counsel was heard in the matter and therefore submits that an adequate opportunity was not granted to the accused persons. In aid of his submission, the learned counsel has relied upon the observations made by this Court in the case of Mohd. Sukur Ali vs. State of Assam, reported in (2011) 4 SCC 729, wherein this Court has stated as under:*

"...We reiterate that in the absence counsel, for whatever reasons, the should decided forthwith against the accused but in such a situation the Court appoint counsel who practicing on the criminal side as amicus curiae and decide the case after fixing another date and hearing him. If on the next date of hearing the counsel, who ought to have appeared on the previous date but did not appear, now appears, but cannot show sufficient cause for his non-appearance on the earlier date, then he will be precluded from appearing and arguing the case on behalf of the accused. But, in such a situation, it is open to the accused to either engage another counsel or the Court may proceed with the hearing of the case by the counsel appointed as amicus curiae."

4. *The assertion made by learned counsel for the appellants is not disputed by learned counsel for the of Haryana. In a fact situation of this nature, in our opinion, impugned judgment and order passed by the High Court cannot be sustained by us.*

5. *In the result, we allow these appeals and remit the matter to the High Court to restore Criminal Appeal No. D-113-DB of 2010 to its file and decide same on merits after affording a opportunity of hearing to the parties concerned.*

6. *All the contentions of both the parties are kept open to be agitated before the High Court.*

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7. *We also reserve liberty to the appellants to request the High Court for grant of regular bail during the pendency of the appeal. If such a request is made the High Court would consider the same in accordance with law.*

Ordered accordingly.”

28. The judgment passed by the Hon’ble Supreme Court makes it very clear that the judgment passed by a Division Bench of this Court was set aside, and the matter was remitted to the High Court to restore the appeal filed by the State of Haryana.

29. Further, since the appeal filed by accused no. 22, Manjit, was dismissed by the Division Bench of this Court, and he did not challenge it before the Hon’ble Supreme Court, it means that the appeal filed by the convict challenging his conviction was not reopened, but only the appeal filed by the State of Haryana challenging the acquittal was remanded.

30. Given the above, as of now, we are only concerned with the above-mentioned eight accused whose acquittal was reversed by the Division Bench, but the Hon’ble Supreme Court, on hearing the appeal filed by one of such accused, namely Dharambir Malik [A13/R9], who was Deputy Superintendent of Police, had remitted the matter back to this Court by setting aside the judgment of the Division Bench of this Court.

31. After the matter was remanded back by the Hon’ble Supreme Court, the same was placed before the same Division Bench which had allowed the appeal filed by the State against the acquittal of the above-mentioned accused, including the applicant Baljeet Singh [A23/R4]. Vide order dated July 21, 2014, the same Division Bench observed that the matter was remanded by the Hon’ble Supreme Court after setting aside the judgment dated February 10, 2014, passed by this Bench, and they observed in the following terms:

“A perusal of the order passed by the Hon’ble Supreme Court shows that an argument was raised that neither the accused nor his counsel was heard in the matter, therefore an adequate opportunity was not granted to the accused persons. The said argument was consented to by learned counsel for the State. However, we find that the appellant has filed an application bearing CRM No. 1756 of 2014 dated January 20, 2014 submitting written submissions. It was after considering the said written submissions, the order was announced on 10.02.2014 in the presence of counsel for the appellant.

A misleading statement has been made before the Hon’ble Supreme Court. We say no more.

Let the matter be placed before some other Bench.”

32. After multiple dates, when the matter was listed on Oct 01, 2025, it was adjourned to Oct 15, 2025, on which date the matter was adjourned to Oct 28, 2025.

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33. On Oct 28, 2025 there was a written request for adjournment circulated on behalf of counsel for respondents No.7 and 9 and as such the matter was adjourned to Feb 18, 2026 on which date again, there was a request for adjournment on behalf of respondents no. 7 and 9 and the matter was adjourned to Mar 11, 2026 on which date again there was a similar request by the same respondents and the matter was again adjourned to May 06, 2026.

34. On May 06, 2026, we asked State's counsel to get complete instructions about the accused who were still in custody and to supply their custody certificates. We also requested all the counsel appearing for the accused to explicitly hand over the documents, mentioning whether the accused whom they were representing was still in custody or was outside, and the matter was posted for the next day, i.e., May 07, 2026.

35. On the May 07, 2026, the custody certificate was handed over, and on mention, application [CRM 20488 of 2026] was filed seeking suspension of the sentence of respondent No. 4, Baljeet Singh [A23/R4], which was ordered to be taken on the same day. As per the custody certificate, the applicant Baljeet Singh [A23/R4] is in custody in the present FIR initially from June 16, 2008, to March 09, 2009, and after that from April 04, 2014, till May 27, 2022, and then May 28, 2022, till yesterday, i.e., May 06, 2026. Thus, as per this certificate, the applicant Baljeet Singh's total custody in the present case is 12 years, 02 months, and 28 days, and after counting remissions, the total custody in the present case comes to 15 years, 07 months, and 02 days.

36. Since we want to be sure that none of the accused is in custody, we had requested the State's counsel to inform us on the next date that whether any of the accused was still in custody, and it was for this reason that previously none of the counsel appearing before us had insisted on early or priority hearing of appeal nor was any application was pending before us, and the above said application was also filed when we had red flagged the issue.

37. However, since the application for suspension of sentence can only be filed when there is a sentence, and this was an appeal against the acquittal, so we deemed it necessary to go through the entire record, which was voluminous, and the application was adjourned to Monday, i.e., May 11, 2026.

38. We have perused the entire order sheets, gone through the judgment of the Division Bench of this Court, the Hon'ble Supreme Court, and the *Zimini* orders passed by the Co-ordinate Benches of this Court, and it shall be relevant to refer to the following orders.

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39. A Co-ordinate Division Bench of this Court vide order dated 14.11.2014 allowed the applications filed on behalf of respondents No.7 and 9. It shall be appropriate to extract the following portion of the said order, which reads as follows:

“We have given out thoughtful consideration to the matter.

As has already been noticed, this Court vide order dated 10.02.2014 had set aside the order of the trial Court dated 09.03.2009. The Hon'ble Supreme Court in appeal has set aside the order of this Court only on the ground that neither the accused nor his counsel was heard in the matter. Reliance was placed on Mohd. Sukur Ali v. State of Assam (Supra), however the later view in K.S. Panduranga v. State of Karnataka (Supra) was not brought to the notice of the Hon'ble Supreme Court. In the later view, it has been held by the Supreme Court that the High Court can dispose of an appeal after perusing the record and judgment of the trial Court and it is not bound to adjourn the matter if both the appellant or his counsel/lawyer are absent. A reference was also made to the case of Mohd. Sukur Ali v. State of Assam (Supra). The Division Bench which had heard the case has also recorded that a misrepresentation had been made by the appellant before the Hon'ble Supreme Court. Be that as it may, the case now stands remitted to this Court and the appeal has been restored to its original number. The Hon'ble Supreme Court while remanding the case vide order dated 14.07.2014 has given liberty to the appellants to request this Court for grant of regular bail during the pendency of the appeal. If such a request was made, this Court is to consider the same in accordance with law.

It may be noticed that during the trial of the case, the applicants-respondents no.7 and 9 were on bail. During pendency of the appeal, they were not directed to furnish bail bonds. At present they are in jail after the order dated 10.02.2014 was passed. The appeal is now to be reheard. It is to be considered as to whether the applicants-respondents no.7 and 9 were also part of the conspiracy in the demand for ransom amount that were carried out by Surinder (respondent no.1) by supplying phones or whether there role amounts to other offences and/or misconduct on their part. In the facts and circumstances, it would be just and expedient to grant bail to the applicants-respondents no.7 and 9 during the pendency of the appeal subject to their furnishing adequate security.

Accordingly, the criminal miscellaneous applications are allowed and during the pendency of the appeal the applicants-respondents no.7 and 9 namely Darshan Singh and Dharambir Malik shall be admitted to bail on their furnishing personal bonds and two sureties each to the satisfaction of the learned hal. Chief Judicial Magistrate, Kaithal.”

40. Respondent no. 2 [Surinder Pehalwan A25/R2] had filed an application for suspension of sentence, which was registered as CRM No. 36158 of 2014. Vide order dated Dec 12, 2014, a Co-ordinate Division Bench of this Court, disposed of the said application, as “Dismissed as withdrawn” because the learned Counsel appearing for respondent No. 2 had submitted that he be allowed to withdraw the criminal miscellaneous application seeking suspension of sentence of imprisonment of applicant respondent No. 2 at this stage

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and file a fresh one after his sentences of imprisonments have been suspended in the other cases.

41. Respondent No. 3, Joginder Singh, [A24/R3] filed an application [CRM No. 12286 of 2017] seeking interim bail for a period of 10 days because of the death of his real brother. Vide order dated Apr 17, 2017, a Co-ordinate Division Bench of this Court granted him the relief for one week from the date of his release, and it reads as follows:

“The Criminal miscellaneous Applications of Naresh alias Nesha (respondent No.8), and also of Darshan Singh and Dharambir Malik (respondents No. 7 and 9) respectively were allowed by this Court and their sentences have been suspended on 04.11.2015 and 14.11.2014 respectively. As on date, in view of the order dated 14.07.2014 passed by the Hon’ble Supreme Court, the applicant-respondent No.3 stands acquitted. His application for bail is pending for consideration on 15.05.2017. The present application has been filed only for interim bail on account of death of his brother.

However, it is to be noticed that applicant-respondent No.3 had absconded on one occasion, therefore, it would be just and expedient, keeping in view the fact that applicant-respondent No.3 stands acquitted in the present case and his regular bail application is pending for consideration, that he be granted interim bail for a period of one week from the date of his release.”

42. After that, vide order dated Jul 28, 2017, another Co-ordinate Division Bench of this Court allowed the applications for the release of respondents No. 2 and 3, i.e., Surinder Pehalwan [A25/R2] and Joginder Singh [A24/R3].

43. Earlier also, the applicant/ Respondent no. 4 had filed a similar application, and by an order dated Feb 04, 2025, passed by the Co-ordinate Bench of this Court, the application CRM-2086-2025 seeking suspension of sentence of applicant/respondent No.4 was disposed of. The said order reads as follows:

Today, only CRM-2086-2025 seeking suspension of sentence on behalf of applicant/respondent No.4 has been listed.

Having heard learned counsel for applicant/respondent No.4, we are of the opinion that main appeal itself be listed for final hearing. As such, the instant application is disposed of. However, the Registry is directed to list the main appeal itself for final hearing on 08.04.2025.

Since there is no representation on behalf of the remaining respondents, Mr. H.S. Randhawa, Advocate (Enrolment No.P/1444/2011, Mobile No.9914422540) is hereby appointed as Amicus Curiae to assist the Court on behalf of the remaining respondents. His fee is to be assessed and paid by the High Court Legal Services Authority, as per rules and practice. The appointment of Amicus Curiae shall be governed by the relevant rules and instructions. Registry is directed to supply a complete set of paper book and lower Court record to the learned Amicus Curiae forthwith.

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LCR, if not available, be requisitioned.

State to verify the current status of the remaining respondents.

44. Now, through the present application, [CRM No. 20488 of 2026], the applicant again seeks suspension of his sentence.

45. The present application CRM-20488 of 2026 filed by the accused Baljeet Singh [A23/R4], is for seeking suspension of his sentence, whereas the judgment passed by the Co-ordinate Bench of this Court which had convicted and sentenced the applicant was already reversed and remitted by the Hon’ble Supreme Court, which amounts to restoring the status of the applicant as of an acquitted accused, and not undergoing any sentence.

46. An application for suspension of sentence is maintainable only when there is a sentence.

47. In the present case, Baljeet Singh [A23/R4] was acquitted by the trial court. The acquittal was reversed by the High Court, but the Hon’ble Supreme Court had remanded the matter. It means Baljeet's status is that of an acquitted person, and he has not been sentenced. Once Baljeet was not sentenced, the application under Section 430 BNSS is not maintainable.

48. In view of the above, the present application i.e. CRM No. 20488 of 2026 seeking suspension of sentence under 430 BNSS is not maintainable and is dismissed.

49. On a perusal of the order sheets, it transpires that out of the total eight accused persons who were convicted by the High Court, the following accused have been released from prison:

Sr. No.	Accused No.	Respondent No. before High Court	Name of the Accused	Father’s Name of the Accused	CRM No.	Decided on
1.	A1	R1	Surinder Singh	Ishwar Singh	As per custody certificate dated 07.05.2026, he was released on parole on May 23 2016, absconded from parole and expired in police encounter on April 8, 2017	
2.	A6	R8	Naresh @ Nesha	Babu Ram	185-2015 (For bail)	04.11.2015
3.	A8	R7	Darshan Singh	Jodh Singh	21329-2014 (For bail)	14.11.2014
4.	A13	R9	Dharambir Malik	Hans Raj	25341-2014 (For bail)	14.11.2014

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5.	A18	R5	Anil @ Pilla	Rajinder	As per custody certificate dated 204 dated 07.05.2026, he was released on bail vide order no. 204 dated Feb 09, 2007. Thus, as per the latest custody certificate, he is not shown in custody	
6.	A23	R4	Baljeet Singh	Dhoop Singh	Present Applicant	
7.	A24	R3	Joginder Singh	Ishwar Singh	7201-2016 (For bail)	28.07.2017
8.	A25	R2	Surinder Pehalwan	Dalip Singh	29861-2016 (For SOS)	28.07.2017

50. BAIL TO BALJEET SINGH S/O DHOOP SINGH [A23/R4]:

51. However, once we are apprised of the fact that the applicant Baljeet Singh [A23/R4] is still in custody despite being represented by the counsel, who had filed an application but filed it under the wrong provision of the statute, it is a fit case where we must exercise our inherent jurisdiction under §528 BNSS, 2023, to prevent the abuse of the process and to secure the ends of justice.

52. Thus, exercising our inherent powers under §528 BNSS, 2023, we are considering granting bail to the accused Baljeet Singh @ Jeeta son of Dhoop Singh who is still in custody by resorting to §431 of BNSS 2023, which reads as follows:

[431]. When an appeal is presented under section 419, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal or admit him to bail.

53. The State has handed over the custody certificate dated May 06, 2026, of the applicant Baljeet alias Jeeta, son of Dhoop Singh. In this custody certificate, all the FIRs in which the applicant was in custody have been mentioned, and the relevant portion of the FIR number and the date of completion of the sentence is reproduced as follows:

Sr. No.	FIR No.	Date of FIR	Main Offence	Date on which the substantive Sentence was completed
1.	355	23.11.2002	307 r/w 120-B IPC	Sentence expired on 14.12.2012
2.	146	05.04.2008	387 IPC	Sentence expired on 28.09.2013
3.	427	18.09.2003	302 r/w 34 IPC	Hon'ble Supreme Court upheld the life imprisonment and imposed special term sentence that petitioner must serve 20 years of actual sentence
4.	280	12.06.2008	174-A IPC	Sentence already expired
5.	276	12.06.2008	174-A IPC	Sentence already expired

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6.	277	12.06.2008	174-A IPC	Sentence already expired
7.	218	24.03.2015	42/45 of Prisons Act	Undergone on 13.05.2016
8.	282	12.09.2012	42 of Prisons Act	Undergone on 20.09.2014
9.	519	31.12.2002	8/9 HGCP Act	Sentence already expired
10.	347	2005	307 IPC	Undergone on 24.12.2010
11.	186	08.07.2005	120-B IPC	Undergone on 18.09.2010
12.	265	21.06.2008	174- A IPC	Undergone on 21.11.2008

54. **Detail of present FIR is as under:**

(i)	Name of Convict/Accused and Father Name:	Convict CT-208/2022 BALJEET @ JEETA S/o DHOOP SINGH, Age 41 years (at the time of conviction)
(ii)	Address:	R/O VILL. BADSIKARI KHURD DISTT- KAITHAL, P.S. KALAYAT- KAITHAL, HARYANA
(iii)	FIR No./Date/U/s/PS:	FIR No. 160/2006, dated 17/09/2006, u/s 120-B IPC, 302/120-B IPC, 386 IPC (CONVICTION IN U/s: 120-B IPC, 302 IPC read with 120-B IPC, 386 IPC) PS: CITY KAITHAL, KAITHAL
(iv)	Convicted by the ld. Court of (with date of judgment and tenure/term of sentence), if any:	Ld. Court of MS. TARANJIT KAUR (CJM- KAITHAL) on 04/04/2014 for Life Imprisonment RI, with fine of Rs.30000/- I/s 06 Years, 00 Months & 00 Days RI [Fine not paid]. (HE WAS ACQUITTED IN THIS CASE BY THE LD. COURT OF SH. A.K. SHORI ON 09-03-2009. HOWEVER, HE WAS CONVICTED & SENTENCED TO LIFE IMPRISONMENT & FINE RS.30,000/- ID 06 YEARS R.I. BY THE HON'BLE PB & HR HIGH COURT VIDE ORDERS DATED 10-02-2014 IN CRIMINAL APPEAL NO. CRA-930-DB 2009 AND CRA-113-DB OF 2010 ORDER CONVEYED THROUGH LD COURT OF MS. TARANJEET KAUR, CJM KAITHAL AND THIS SENTENCE RUN CONCURRENT WITH FIR NO. 427/2013)
(v)	Custody as per judgment dated 17.03.2016 in CRM-M-21934 of 2015	14 YEARS, 10 MONTHS AND 08 DAYS

55. Section 390 CrPC 1973 deals with the arrest of an accused after an acquittal. §390 CrPC states that when an appeal is presented under §378, the High Court may issue a

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warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal or admit him to bail. Thus, the decision to commit such a person to prison had to be taken by the High Court at the time of issuing the process, either at the stage of Notice/Grant of Leave to Appeal or Admission of the appeal challenging the acquittal. At the time of deciding the appeal against the acquittal, when the courts convict such an accused, then such persons have to be taken into custody, subject to bail provisions and suspension of sentence.

56. In the present case, at the time of admission of the appeal, none of the respondents were detained by resorting to the first portion of §390 CrPC/§431 BNSS, where the Courts were empowered to commit such a person to prison. In fact, the last portion was adhered to, and all of them were admitted to bail.

57. After that, the appeal was allowed, and some of the accused were convicted and obviously arrested. Since some of the accused were already in custody in other cases, their custody had to be formally taken in the present case, through production warrants.

58. However, as already observed, in the appeal filed by one of the convicts, Dharambir, the Hon'ble Supreme Court restored CRA-D-113-DB-2010 filed by the State challenging the acquittal by the trial Court, the matter to this Court, and, after remanding it, it would mean that the High Court was again dealing with an appeal against acquittal.

59. In *State of UP v. Poosu* [1976] 3 SCR 1005; 1976-INSC-94, Apr 02, 1976, the Constitution Bench of five judges of the Hon'ble Supreme Court holds,

[pg1008][E-H] Thus there can be no doubt that this Court while granting special leave to appeal against an order of acquittal on a capital charge is competent by virtue of Article 142 read with Article 136, to exercise the same powers which the High Court has under s. 427. Whether in the circumstances of the case, the attendance of the accused respondent can be best secured by issuing a bailable warrant or non-bailable warrant is a matter which rests entirely in the discretion of the Court. Although, the discretion is exercised judicially, it is not possible to computerise and reduce into immutable formulae the diverse considerations on the basis of which this discretion is exercised. Broadly speaking, the Court would take into account the various factors such as, "the nature and seriousness of the offence, the character of the evidence, circumstances peculiar to the accused, possibility of his absconding, tampering with evidence, larger interest of the public and State"-see *The State v. Capt. Jagjit Singh* [(1962) 1 Supp. 567]. In addition, the Court may also take into consideration the period during which the proceedings against the accused were pending in the courts below and the period which is likely to elapse before the appeal comes up for final hearing before this Court.

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In the context, it must be remembered that this over-riding discretionary jurisdiction under Article 136 is invoked sparingly, in exceptional cases, where the order of acquittal recorded by the High Court is perverse or clearly erroneous and results in a gross miscarriage of justice.

60. In *Sudershan Singh Wazir v. State NCT of Delhi* [2025] 2 SCR 1416; 2025-INSC-281, Feb 28, 2025, the Hon'ble Supreme Court holds,

[18].As can be seen from Section 390, when an appeal is preferred against an order of acquittal, the High Court is empowered to issue a warrant directing that the accused be arrested and brought before it or any sub-ordinate Court. The Court, before which the accused is brought, may commit him to prison pending disposal of the appeal or admit him to bail. Once an appeal against acquittal is admitted, the status of the person acquitted as an accused can be said to be restored. That is what is held in the case of *State of Uttar Pradesh v. Poosu & Ors.* The object of Section 390 of the CrPC is that if ultimately the order of acquittal is converted into the order of conviction, the accused must be available for undergoing sentence. The second object of Section 390 is that when an appeal against acquittal is finally heard, the accused's presence at the hearing can be secured. Therefore, there is a power vested in the High Court to arrest an acquitted accused and bring him before it or the Trial Court. The object is that the accused remains under the jurisdiction of the Court dealing with the appeal against acquittal. It is well settled that an order of acquittal further strengthens the presumption of innocence of an accused. Therefore, as a normal rule, where an order under Section 390 of the CrPC is passed, the accused must be admitted to bail rather than committing him to prison. It is well-settled in our jurisprudence that bail is the rule, and jail is the exception. This rule must be applied while exercising power under Section 390 of the CrPC, as the position of the acquitted accused is on a higher pedestal than an accused facing trial. When an accused faces trial, he is presumed to be innocent until he is proven guilty. In the case of an acquitted accused, as stated earlier, the presumption of innocence is further strengthened because of the order of acquittal. Only in extreme and rare cases by way of exception can an order committing an acquitted accused to prison be passed under Section 390.

61. Although the applicant- respondent No.4 was convicted for murder and sentenced to life imprisonment in FIR No. 427 dated 18.09.2003 in which Hon'ble Supreme Court clarified that the applicant shall not be released unless he completes 20 years of actual sentence which implies that respondent No.4 has to remain in custody in the above said FIR, therefore, what is the implication of the present grant of bail. Every criminal trial has to be dealt independent of the others unless otherwise permitted in law. Needless to say that even if this Court grants bail to applicant- Baljeet Singh in the present case, he would still continue to be in custody in FIR No. 427 dated 18.09.2003 (*supra*) but it does not mean that

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this Court should not grant him bail, if he is otherwise entitled to bail under Section 431 BNSS in a case of acquittal. Liberty is not cosmetic, it is real.

62. Given the above, provided the above-named accused/respondent, if he is not required in any other case, he shall be released on bail in the FIR captioned above, subject to furnishing personal bond of Rs. 25,000/- each, with one surety of Rs. 10,000/-, to the satisfaction of the concerned trial Court and due to unavailability before any nearest Chief Judicial Magistrate or Duty Magistrate/ Ilaqa Magistrate.

63. The above-mentioned respondent/ accused shall abide by all statutory bond conditions and appear before this Court or any other Court as directed on all dates.

64. The above-mentioned respondent/ accused shall mention their current address, phone numbers, e-mails, if any, and present address, native address, and in case of change, he shall inform the SHO of the police station of the concerned through a registered letter by mentioning the case number. Additionally, he shall also inform the concerned Court before whom the bonds were furnished.

65. The concerned jail authorities are directed not to count the custody of the present case for the reason that he was acquitted by the trial Court and reversal of acquittal was overturned by Hon'ble Supreme Court of India, remitting the matter back to this Court.

66. Any observation made hereinabove is tentative and is not an expression of opinion on the case's merits.

67. It is clarified that this bail order shall not be considered as a blanket bail order or suspension of sentence in any other matter and is only limited to granting bail in the FIR and the consequent proceedings mentioned above.

68. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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69. **NOW WE PROCEED FURTHER:**

70. Since as per the custody certificate dated May 07, 2026, respondent No. 1 Surinder son of Ishwar Singh has expired in police encounter on Apr 08, 2017. The State has handed over a printout of the death certificate of Surinder Singh [A1/R1], as per which his date of death is Apr 08, 2017, which is taken in part B of the record. Given the above, the appeal filed by the State against Surinder Singh [A1/R1] is dismissed as abated, and his name be deleted from the array of respondents.

71. The State has also handed over a printout of the death certificate of Anil @ Pilla, son of Rajinder [A18/R5], as per which his date of death is May 27, 2013, which is taken in part B of the record. As per the death certificate, Anil had already expired when his acquittal was over-turned by a Co-ordinate Division Bench of this Court. Be that as it may, because of Anil's death, the appeal filed by the State against Anil @ Pilla, son of Rajinder [A18/R5] is dismissed as abated, and his name be deleted from the array of respondents.

72. To avoid further complexities in the matter, it shall be appropriate that out of the 12 accused who were acquitted by the trial Court and whose acquittal was challenged by the State and out of whom, four were not convicted by the High Court, let all those four accused namely Ram Lal @ Lali son of Rikhi Ram, Harjinder Singh @ Fauji @ Balbir Singh son of Pala Ram, Prem Singh son of Zile Singh and Nirmal @ Laddi son of Surinder Singh furnish personal bonds to the sum of Rs. 25,000/- each and one surety for Rs. 10,000/- each to the satisfaction of the concerned Additional Sessions Judge, Kaithal with undertaking to appear as and when called upon to do so. The bond shall be furnished before the Sessions Judge/ Additional Sessions Judge, Kaithal on or before September 30, 2026. Since these accused are either represented by their counsel or through Amicus Curiae, let their counsel intimate this order to them for compliance. If not furnished, then the concerned trial Court would proceed in accordance with law.

73. The relevant details of these four accused, who have to furnish bonds, in the Criminal Appeal filed by the State of Haryana, CRA-D-113-DB of 2010, are as follows:

Sr. No.	Accused No. before the Trial Court	Name of the Accused before the Trial Court	Respondents No. before High Court in State's Appeal	Father's Name of the Accused
1.	A19	Ram Lal	R6	Rikhi Ram
2.	A26	Harjinder Singh @ Fauji @ Balbir Singh	R10	Pala Ram
3.	A28	Prem Singh	R11	Zile Singh
4.	A31	Nirmal @ Laddi	R12	Surinder Singh

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Main appeal

74. List the criminal appeal on its own turn by following the roster and instructions issued by Hon’ble the Chief Justice.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

May 11, 2026
Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	YES