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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: August 12, 2025

Mukesh

....Petitioner

versus

State of U.T., Chandigarh

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Manjot Singh Gujral, Advocate for the petitioner.Mr. Manish Bansal, Public Prosecutor U.T., Chandigarh and  
Mr. Navjit Singh, Advocate for the respondent – U.T.

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.01 dated 02.01.2024, registered for the offences punishable under Sections 302, 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Mauli Jagran, Chandigarh.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

*“Statement of Preety Yadav w/o Sanjay Yadav R/O 583, Vikas Naggar MJ, CHD Age 25 yrs. Stated that I am resident of above mentioned address alongwith my husband and one year old daughter in the rental accommodation, today evening when Sanjay was at home, then a call was came on his mobile phone at that time Sanjay went out of the house for purchasing the vegetable. I pick the phone person on the other side asked about my husband Sanjay that where is brother, I asked who are you then he replied that I am Mukesh calling from Dariya and I have three friend with me and he has some urgent work with Sanjay and I reply as and when Sanjay came home, I will talk to you, at present he is not at home. My husband done the of plumber, when Sanjay returned to home then I told him about the phone call and at about 8:10 PM he went out of the house and I keep waiting for him but Sanjay did not returned, Then I by taking*

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*my daughter into lap, alongwith my brother in law Mohit went out for looking Sanjay and reached park of Vikas Nagar, Mauli Jagran it was 4.30 a.m. dt. 02.01.2024, it came to notice that fight had took place among the boys and during fight boys kill some one by stabbing in stomach. Which I took the information from you and went to GMCH32 Chd, mortuary to saw the body, on seeing the body I identify my husband Sanjay s/o Rama Nand. I have strong belief that Mukesh who called my husband on phone call had kill my husband alongwith his friends. Mukesh and his friend have enmity with my husband and give threats to kill my husband, my husband disclosed this fact to me. Now these person Mukesh and his friends in convenience with each other kill Sanjay by stabbing knife to him. Legal action be taken against Mukesh and his friends. Due to stab in the park, on seeing blood drenched corpse of Sanjay laying in mortuary, I become unconscious, now I regain conscious and record my statement.”*

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel further argued that the petitioner is in custody since 02.01.2024. Learned counsel iterated that assuming *arguando*, the prosecution version is to be taken correct, the petitioner has been ascribed role of making a phone call to the deceased and calling him as also getting caught hold of him while the main accused, namely, Ajay @ Bhanja had inflicted knife blow, which resulted into death of deceased/ Sanjay. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.08.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The present petitioner was arrested on 02.01.2024, whereinafter, investigation was carried out and the challan was presented on 02.04.2024.

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Total 37 prosecution witnesses have been cited, but only 23 have been examined and 07 have given up till date. Keeping in view the pace of the trial, it is, indubitable that conclusion of trial will take long. In somewhat similarly placed co-accused, namely, Satpal @ Patra has already been extended the concession of regular bail by this Court, on 04.04.2025 passed in **CRM-M-7755-2025**. The rival contentions raised at Bar give shall be gone into during course of the trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 12.08.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 07 months & 10 days, & is not shown to be involved in any other case/ FIR.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

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- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(SUMEET GOEL)**  
**JUDGE**

**August 12, 2025**

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No