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

**CRM-M-39282-2024 (O&M)  
Date of decision: July 23, 2025**

Akash @ Diljale

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:-** Ms. Shweta Bawa, Advocate and  
Mr. Naveen, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

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

1. Present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.442 dated 15.12.2021, registered for the offences punishable under Sections 302, 201, 34 of IPC, at Police Station Chandhut, Palwal.

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

*“To SHO, P.S. Chandhut, Sir, it is requested that I Chiddi s/o Nathi, caste Shakka, R/o Ward no.2, Apollo School, Kailash Nagar, Palwal, P.S. Camp, presently residing at Sarai Khatola, P.S. Mundkuti, Palwal. That I have one son Rahul and two daughters, all are married. That my son Rahul on dated 14.12.2021 about 10:00 am, went on his motorcycle bearing no. HR-29-AV-2816, Marka Pulsar, Black Colour at Rasolpur for attending a marriage ceremony. When after finishing of marriage ceremony about 6:00 pm, he was returning then reached near Nangal Road Nehar then unknown driver of unknown vehicle while driving it*

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*rashly and negligently dashed the motorcycle of my son on front side and due to the accident my son received severe injuries. That during treatment, he died due to these injuries. Earlier we had doubt that someone has caused beating to my son but now we have verified on my own our level that my son met with an accident. It is requested that legal action be taken against the unknown driver of unknown vehicle.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.12.2021. Learned counsel for the petitioner has iterated that, in fact, the petitioner is not named in the FIR in question and the same was registered on the basis of suspicion only. Learned counsel has further argued that there is no material available on record to substantiate active role of the petitioner into the offence in question. Learned counsel for the petitioner has further iterated that the petitioner has faced protracted trial for more than 03 years and 07 months on account of prosecution witnesses not coming forth despite bailable/ non-bailable warrants having been issued against them by the trial Court. Learned counsel for the petitioner has further iterated that, in any case, the entire prosecution evidence now stands led, and thus, the petitioner, who has clean antecedents, is not in a position to influence the trial. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has opposed the present petition by arguing that the petitioner is actively involved in committing the murder of one Rahul. Learned State counsel has further submitted that since the entire prosecution evidence stands led, the trial proceedings be expedited and the instant petition be rejected. Learned State counsel seeks to place on record custody certificate dated 22.07.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 17.12.2021 whereinafter investigation was carried out and challan was presented on 15.03.2022. Total 22 prosecution witnesses have been cited and it is not in dispute that the entire prosecution evidence now stands led. The case is, in fact, fixed for defence evidence/ arguments, on 29.07.2025. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of 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.

7. At this juncture, it would be apposite to refer to the judgment passed by this Court in **CRM-M-62189-2024** titled **Harjinder Singh alias Raj alias Rajinder Singh versus State of Punjab**, decided on 16.07.2025 (neutral citation no.2025:PHHC:086951), relevant part thereof reads thus:-

*“As the prosecution evidence nears its fag end, the very premise for the continued incarceration of the petitioner is significantly attenuated. The apprehension of the petitioner influencing or tampering with the prosecution witnesses, a common ground for denial of bail, is rendered largely moot in such circumstances. As the venerable legal maxim goes ‘**Cessante razione legis, cessat ipsa lex**’ – when the reason for the law ceases, the law itself ceases—duly encapsulates within its ambit, the factual milieu of the instant case. The primary rationale for pre-trial detention, securing the integrity of the prosecution's case and ensuring the accused's presence at trial, is substantially diminished when the evidentiary phase of the prosecution is virtually complete. Furthermore, it is a cardinal principle of criminal jurisprudence that the right to a fair trial*



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*is paramount, an indispensable facet of which is the accused's opportunity to present a robust defense. Although the right to lead by an accused is regulated by sec 233 Cr.P.C., nonetheless, it is one of the most valuable rights. A criminal trial is not a one-sided affair; it embodies the adversarial system where both the prosecution and the defense must be afforded an equal, if not greater, opportunity to substantiate their respective cases. To effectively exercise this inalienable right to lead defense evidence, the physical liberty of the accused is often an essential factor. A person confined to custody faces considerable impediments in consulting with legal counsel, gathering defense witnesses, and preparing their strategy. Denial of liberty at this advanced stage, when the prosecution's evidentiary edifice is almost complete, can severely cripple the defense, thereby striking at the very root of a fair trial. **Audi alteram partem** – hear the other side – is a fundamental dictate of natural justice, and denying bail when there's no palpable risk of witness tampering would be to render this maxim nugatory. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in '**Gudikanti Narasimhulu and others versus Public Prosecutor, High Court of Andhra Pradesh**', 1978 AIR (SC) 429, relevant part thereof reads as*

*“11. We must weight the contrary factors to answer the test the reasonableness, subject to the need for securing the presence of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare of present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be demoted.”*

Further, as per custody certificate dated 22.07.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of more than 03 years and 07 months & 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.

8. 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

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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.
- (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 trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

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

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

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

**July 23, 2025**

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No