



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

108+228

CRM-M-58233-2024 (O&M)

Date of decision: 18.03.2025

Pardeep

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Rohit Aggarwal, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.264 dated 24.09.2023 under Sections 302 and 34 of the IPC registered at Police Station Bass, District Hansi.

2. Learned counsel for the petitioner contends that as per the case of the prosecution itself the deceased along with the co-accused, including the petitioner, were sitting together on the fateful day and consuming liquor. While under the influence of liquor, the accused as well as the deceased entered into a verbal spat which then culminated into the deceased being physically assaulted by co-accused Vinod, who was armed with a *lathi*. Learned counsel has submitted that although the petitioner did not participate in the alleged occurrence nor is there any witness to the said occurrence, however, even otherwise the petitioner has not been attributed fatal injuries and the only role, if any, attributed to the petitioner is of having caught hold of the deceased



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while he was being assaulted by co-accused Vinod with a *lathi* and thereafter kicking the deceased on his shoulder. Learned counsel has still further submitted that although there was one PW2 Sunil who was alleged to be witness of last seen, however, it is a matter of record that said PW2 Sunil had not supported the case of the prosecution before the learned Trial Court as a result of which he was declared hostile. Learned counsel has submitted that other than the witness of last seen, there was no other incriminating evidence collected against the petitioner and even the complainant (brother of the deceased) was not present at the spot and he came to the place of occurrence after he was telephonically informed. Learned counsel submits that since all the material witnesses have been examined, including the most material witness in the present case i.e. PW2 Sunil, petitioner's further incarceration would serve no useful purpose as 13 prosecution witnesses still remain to be examined and the petitioner has now been in custody since 28.09.2023.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has also not been disputed that PW2 Sunil was declared hostile.

4. On a pointed query put to the learned counsel for the State that since it is case resting on circumstantial evidence, if any motive had been attributed to the accused, including the petitioner, to commit the crime in question, he, on instructions, has submitted that it



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seemingly comes across as an occurrence which took place at the spur of the moment when the accused party were under the influence of liquor and on account of some previous dispute the deceased was fatally assaulted by the accused party.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 28.09.2023. The most material witness i.e. PW2 Sunil did not support the case of the prosecution during trial and was declared hostile. The trial is not likely to conclude in the near future as 13 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

9. Pending applications, if any, stand disposed of.

**18.03.2025**

Vinay

**(MANJARI NEHRU KAUL)**

**JUDGE**

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