

2025:PHHC:090736



CRM-M-2783-2025 (O&M)

222

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

**CRM-M-2783-2025 (O&M)
Date of decision: July 23, 2025**

Manoj alias Kala

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Nitin Meel, Advocate and
Mr. Manish Beniwal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

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.692 dated 27.07.2023, registered for the offences punishable under Sections 302, 201 and 203 of IPC, at Police Station Samalkha, District Panipat.

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

“To the Chowki Incharge, Haldana Smalkha Panipat. Sir, it is submitted that myself Manoj Kumar S/o Rajender Singh is the resident of Mahabatti, Tehsil Smalkha, District Panipat. My father Rajender S/O Ramswarup had sold half killa of land to Sunil son of Ramkishan resident of Mahabatti in lieu of Rs. 16 Lac 1.5 years back. Rs. Four lac were given by cheque and Rs. 12 Lac were promised to be paid after one year alongwith interest by Sunil and in this connection my father had altercation with Sunil several times. On 26.7.23 at about 8.00 PM my father was in our house and at that time Sunil S/o Ramkishan, Jaiparkash

2025:PHHC:090736



CRM-M-2783-2025 (O&M)

S/o Rajpal, Jitender S/o Mehar Singh, resident of Village Mahabatti came to my father in our house and started drinking liquor there. When my father demanded his money from Sunil, then they all atone became furious and started beating my father. Jaiparkash and Jitender hit the head of my father with brick and sticks and Sunil and other persons also gave beatings to my father. On hearing hue and cry of the fight I and my wife came at the spot and we saved our father and they all also abused us and threatened us to kill and they all ran away from the spot alongwith their respective weapons. The head of my father was bleeding. I and my family members brought my father to the Civil Hospital for treatment where the Doctor after issuing the MLR referred my father to PGI Khanpur and I alongwith my family members brought my father for treatment to Khanpur where my father was declared as dead by the Doctor. My father has died due to the injuries suffered by him in the fight. Therefore legal action may be taken against Jitender, Sunil, Jaiparkash and other persons. I have submitted my complaint to you. Applicant Manoj 8307560368.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 20.09.2023. Learned counsel for the petitioner has iterated that the police has, in order to shield the real culprits, challaned the present petition for the offence of committing murder of his own father. Learned counsel has further iterated that, assuming *arguendo*, the prosecution version is taken to be correct, offence under Section 302 of IPC is not made out, and at the most, it would be an offence under Section 304 of IPC. Learned counsel has further iterated that one prime prosecution witness, namely, Jitender Singh (PW5), who is alleged to be an eye witness by the prosecution, has not supported the case of the prosecution, and has turned hostile. Thus, regular bail has been 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 has further submitted that, though, one prime prosecution witness, namely Jitender Singh (PW5), who has turned hostile, but there are

2025:PHHC:090736



CRM-M-2783-2025 (O&M)

yet two more prime prosecution witnesses, namely Sunil and Jai Parkash, who are also eye witnesses. Learned State counsel seeks to place on record custody certificate dated 22.07.2025 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 petitioner was arrested on 20.09.2023 whereinafter investigation was carried out and challan was presented on 18.12.2023, and charges in the case in question were framed on 06.03.2024. Total 15 prosecution witnesses have been cited, out of which, one prime prosecution witness, namely, Jitender Singh (PW5) has turned hostile. The rival contentions raised at Bar give rise to debatable issues; including the weightage required to be attached to the testimony of the hostile witness as also whether the offence under Section 302 of IPC is made out or Section 304 IPC; 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 or interfering with the prosecution evidence. 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 01 year and 10 months & is not shown to be involved in any other case.

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

2025:PHHC:090736



CRM-M-2783-2025 (O&M)

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.
- (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.

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.

2025:PHHC:090736



CRM-M-2783-2025 (O&M)

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

July 23, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No