

CRM-M-40598-2025 (O&M)

2025:PHHC:114206



231

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

CRM-M-40598-2025 (O&M)
Date of decision: August 27, 2025

Amit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. D.K. Sharma, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Sanjiv Kumar Jindal, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

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.281 dated 04.10.2021, registered for the offences punishable under Sections 148, 149, 302, 307, 323 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 325 & 34 of IPC added and Sections 148 & 149 deleted later on), at Police Station Sadar Kaithal, District Kaithal.

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

“the statement of Rinku S/o Niranjan R/o Dhons, Police Station Sadar Kaithal District, Kaithal, Age 30 years, Mobile No.9053866666, Education 8th Pass, stated that I am a resident of the above-mentioned address. I work in agriculture. We are 6 brothers and one sister. Santosh is my elder sister, Nayab Singh, Rampal, Jagdish, Shyama, Karan Singh, and I am the youngest. My brother Rampal has one son and one daughter. My brother Rampal used to live separately from his family and with me. My brother Rampal's son Aman alias Amany is a vagrant and alcoholic boy.

CRM-M-40598-2025 (O&M)

He often used to ask my brother for money to drink alcohol. Due to this, my brother Rampal and his son Aman used to fight. Today, dated 04.10.2021, at around 11:30 AM / 12:00 PM, my brother Rampal and I were sitting in our cattle yard. At that time, three unknown boys went to my brother's son Aman alias Amany's house on a motorcycle. A little later, Aman alias Amany, Amit S/o Jagdish, Krishna W/o Jagdish, Mahindro W/o Rampal, and my brother Jagdish's daughter, all residents of Dhons, along with the three unknown boys, came from their house to our cattle yard. At that time, Aman alias Amany was holding a knife in his hand. Krishna and Jagdish's daughter were holding sticks in their hands. They immediately started fighting with us. Amit took a stick from his sister and hit me on the head and back. Aman alias Amany attacked my brother Rampal's stomach and other parts of his body several times with the knife he was holding. Due to this, my brother fell to the ground. When I tried to rescue my brother, two boys who came with them caught me, and one boy stood with the started motorcycle. Aman alias Amany also attacked me with a knife with the intention of killing me, which hit my left arm. Krishna also hit me with stick. Due to the injuries, I also fell to the ground. After hearing the commotion of the fight, my brother Shyama and several villagers came to the spot. After seeing them, everyone fled from the spot with their respective weapons. After that, my brother Shyama and my family members brought me and my brother Rampal to Cygnus Hospital, Kaithal, for treatment in an ambulance. There, the doctor checked my brother Rampal and declared him dead, and admitted me. Aman alias Amany S/o Rampal, Amit S/o Jagdish, Krishna W/o Jagdish, Mahindro W/o Rampal, and my brother Jagdish's daughter, along with three unknown boys, conspired together and murdered my brother Rampal by stabbing him with a knife and also tried to kill me with a knife and sticks. I request you to take legal action against all the above-mentioned accused persons. I have given my statement at Cygnus Hospital, Kaithal, read and understood it, and it is correct. He signed his statement in Hindi after listening to and understanding it.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 05.10.2021. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the actual active role attributed to the petitioner is causing injury to PW – Rinku and no injury has been attributed to the petitioner *qua* deceased (Ram Pal). Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the prosecution evidence brought on record is inconsistent. 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

CRM-M-40598-2025 (O&M)

and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 26.08.2025, in the Court today, which is taken on record.

5. Learned counsel for the complainant has vehemently opposed grant of regular bail to the petitioner by arguing that there are direct and clear allegations against the petitioner. Learned counsel has further iterated that the accused is actively involved with the co-accused, namely, Aman in committing murder as also offence under Section 307 of IPC and thus, he ought not to be extended concession of regular bail. Learned counsel has further argued that in case, the petitioner is released on bail, there is all likelihood that he may intimidate the witnesses as also flee from the process of justice. On the strength of these submissions, dismissal of the petition is entreated for.

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

7. The petitioner was arrested on 05.10.2021 whereinafter investigation was carried out and challan was presented on 20.01.2022. Total 21 prosecution witnesses have been cited, out of which, only 04 have been examined till date. Learned counsel has brought forth *zimni* orders passed by the trial Court. A perusal of the said *zimni* orders shows that indubitably, the trial is procrastinating and folly thereof cannot be saddled on the petitioner. 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

CRM-M-40598-2025 (O&M)

indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

7.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

7.2. As per custody certificate dated 26.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 years, 10 months and 19 days, & 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 factual milieu 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 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:

CRM-M-40598-2025 (O&M)

- (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.

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

(SUMEET GOEL)
JUDGE

August 27, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No