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

CRM-M-15597-2025

Date of Decision:09.07.2025

KARAN

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.139 dated 26.10.2022, registered under Sections 148, 149, 323, 325, 302, 427, 201, 120-B IPC, Police Station Bhupani, Faridabad.

2. Learned counsel for the petitioner vehemently argued that in the present case, even though the petitioner has also being named as one of the assailant, however, no specific role has been assigned to him. Even during the course of trial, PW-3, Naveen Yadav was examined as a prosecution witness and as per the said witness Bhola, co-accused had caused injuries with an axe to Mohit, since deceased and Rahul had caused injuries with a sword. Thereafter, Vikas Chauhan, Abhishek had allegedly caused injuries to Mohit, since deceased and Naveen Yadav. Learned counsel further submits that co-accused, Bhola, Abhishek, Vikas Chauhan and Rahul have already been granted the



concession of bail in the present case. By referring to various zimni orders passed by the trial Court, learned counsel submits that the complainant is intentionally not appearing before the trial Court and even application has been moved to keep the trial proceedings in abeyance. He further contends that every possible attempt has been made by the complainant to delay the trial before the trial Court and the petitioner is entitled to grant of concession of bail only on this ground. The petitioner was arrested in the present case on 26.10.2022 and is in custody for the last more than 02 years and 09 months. By referring to various orders passed by this Court, i.e. Annexures P-3, P-4, P-7, P-8, P-9, learned counsel submits that Bhola, Abhishek, Vikas Chauhan, Rahul, Mukesh, Nishant and Shubham Chauhan, all co-accused have been admitted to bail by this Court. Thus, on the ground of parity as well as delay in conducting the trial by the prosecution, the present petition deserves to be allowed by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is one of the main accused, who had assaulted Mohit since deceased. Moreover, the statement of the complainant is yet to be recorded by the trial Court and in case the petitioner is released on bail, he may intimidate the witnesses of the prosecution. He further submits that the blood was found on the *danda*, which was allegedly recovered from the petitioner and as per the FSL report, the *danda* was used by the petitioner in the commission of crime.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. The petitioner was taken in custody on 26.10.2022 and is behind bars for the last about 02 years and 09 months. From a perusal of the various



zimni orders, it is apparent that the complainant did not appear before the trial Court rather it appears that the prosecution has intentionally delayed the proceedings before the trial Court in the present case. Moreover, the petitioner is in custody for the last more than 02 years and 09 months and the prosecution is yet to lead evidence with regard to the involvement of the petitioner in crime. Moreover, Bhola, Abhishek, Vikas Chauhan, Rahul, Mukesh, Nishant and Shubham Chauhan, co-accused have also been admitted to bail by this Court.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.



(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

09.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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