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

Sr. No.222

CRM-M-1933-2025 (O&M)
Date of decision : 20.02.2025

Deepak

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shalender Mohan, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 482 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.196 dated 19.07.2020 under Sections 324 & 506 IPC (Sections 307, 120-B & 498-A IPC added later on), registered at Police Station Lakhan Majra, Rohtak, Haryana.

2. The translated version of the FIR is reproduced below:-

'To, The SHO, Police Station Lakhan, Majraa Rohtak, requested that I Vinod son of Satbir Caste do the labor work in the village and we are two brother I am elder and my younger sister is 10th pass whom we have married more than one year ago with Deepak son Sadhu village Kharak Jattan District Hisar. And my brother in law (jija) Deepak do the labor work and often drinks and after getting drink beats my sister. I know that dated 18.07.2020 through phone. That his father in law Sadhu Ram told that Deepak has stabbed Jyoti in the stomach at time of fighting today and survived he will kill her and she has been send for treatment with her brother in law at Rohtak. After receiving information went the Advanta Hospital Rohtak

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with my parents. Where my sister is admitted for treatment in an injured condition. Take a legal action against Deepak and his family members. Sd/- Vinod 8053404862, 8685001452."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is a young boy of 27 years and has been falsely implicated in this case. The petitioner has undergone an actual custody of 04 years, 06 months and 24 days and has clean antecedents.
4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 04 years, 06 months and 24 days and there are two other criminal cases registered against him, however, in one case he is on bail. He on instructions submits that challan has been presented on 17.01.2021 and out of a total of 18 prosecution witnesses, 15 witnesses have been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.
5. Heard the rival submissions made by learned counsel for the parties.
6. A perusal of the case in hand transpires that the petitioner is behind the bar since 26.07.2020 . Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and out of a total of 18 prosecution witnesses, 15 witnesses have been examined till date. The culpability, if any, would be determined at the time of trial. No

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useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violate of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in “*Dataram Singh vs. State of Uttar Pradesh and another*”, (2018) 3 SCC 22.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

20.02.2025

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No