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

**CRM-M-2586-2025 (O&M)  
Date of decision: July 24, 2025**

Boby

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Ravi Malik, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

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**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.183 dated 18.06.2016, registered for the offences punishable under Sections 302, 506 of the Indian Penal Code, 1860 (for short 'IPC') & Section 25 of the Arms Act, 1959 (for short 'Arms Act'), at Police Station Chandhut, District Palwal.

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

*“To, SHO Chandhat. Sir, I Bittu S/o Shrichand caste Nai, am a resident of Alawalpur, Mohalla Laddu Ka. We were three brothers. The eldest is Rahul@ Monty, then Bittu and the youngest is Pankaj. Today evening at about 8 o'clock my brother received a call to see the buffalo of Lakhanpal S/o Shimbhu Dayal caste Brahmin in village Alawalpur i.e. to give medicine, on which my brother went on his motorcycle to give medicine to the buffalo. When he reached his plot, the accused Bobby S/o Narveer @ Pappu R/o Alawalpur caste Jat and with him his father*

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*Narveer @ Pappu, and his uncle Bhambal @ Jagbir and two-three other men were standing there. As soon as my brother reached there, Bhambal @ Jagbir said to Bobby that I have come, shoot him. Thereafter Bobby shot my brother three times with a pistol from the front. At that time I was passing through the square. Hearing the gunshot I also reached there and saw this incident with my own eyes and when I shouted they all ran away. I shouted and called my family members. Hearing this the neighbours came there. We were taking him to Palwal hospital in Ramkishan's Bolero car and on the way we informed the police station and the police took my brother's statement in which he told the police that Bobby S/o Narveer @ Pappu had shot him. After taking the statement the police said that you should take him to the hospital as soon as possible. When we took him to the doctor and they asked him, he also told them (my brother) Bobby name and he breathed his last in Apex hospital and the doctor declared him dead and then we brought him to the government hospital Palwal with the police. The doctor here also declared him dead and got his dead body kept in the mortuary. This incident with my brother was deliberately caused by the accused due to old enmity. About one and a quarter years ago, my brother had a fight with the accused over playing, due to which all his family members came to our house with weapons to kill us. We had reported the matter to the police station. Later, the matter was settled in the Panchayat, but this entire family had enmity with us and they used to threaten to kill us from time to time. The accused are gangsters and quarrelsome people. Strictest legal action should be taken against the accused."*

3. Learned counsel for the petitioner has argued that initially, the petitioner was arrested on 18.06.2016, whereinafter, he was extended the concession of bail on 21.01.2020 on account of juvenility. Thereafter, the petitioner surrendered back to the custody on 27.05.2022 and is in continuous custody since then. Learned counsel for the petitioner has iterated that there is delay in culmination of trial and the same is not attributable to the petitioner. Learned counsel has further submitted that no cogent evidence has yet come on record to indicate culpability of the petitioner *qua* offence in question. 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 and, thus, he does not deserve the concession of the regular bail. Learned

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State counsel has further submitted that there is clear allegation of petitioner having fired shots upon the victim, which resulted in his death. Learned State counsel also submitted that ballistic report in question also indicates towards culpability of the offence.

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

6. The petitioner was initially arrested on 18.06.2016 and was granted concession of bail on 21.01.2020. Thereafter, he is stated to have surrendered back to the custody on 27.05.2022 and is in continuous custody incarceration since then. Total 31 prosecution witnesses have been cited and only 12 have been examined till date. The rival contentions raised at Bar by learned counsel for the parties, on merits of the case, give rise to debatable issues 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 23.07.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of more than 06 years and 09 months. At this juncture, this Court is inclined to grant concession of regular bail to the petitioner, *firstly*, for the reason that the petitioner was initially extended concession of bail on 21.01.2020, which continued in his favour since 27.05.2022, but there is nothing to show the

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same having been misused; *secondly*, the petitioner has suffered total incarceration of 06 years and 09 months and the prosecution evidence is yet to be concluded. Further, as per the said custody certificate the petitioner is stated to be involved in 02 more cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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

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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.

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- (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 trial Court/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.

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 24, 2025**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No