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

CRM-M-58849-2024(O&M)

Date of decision:-20.05.2025

SURENDER ALIAS TENDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ashok Kumar Sharma, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

CRM-751-2025

1. Heard.
2. The application is allowed, subject to all just exceptions.

CRM-752-2025

1. The instant application has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record copy of statements of Mohit (PW-3) and Jagdish (PW-4) as Annexure P-3 to P-4.
2. The application is allowed, subject to all just exceptions, copies statements of Mohit (PW-3) and Jagdish (PW-4) as Annexure P-3 to P-4 are taken on record.
3. Registry to do the needful.

Main case

The instant petition has been preferred by the petitioners under



483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0249	08.06.2023	304 IPC	Jind Sadar, District Jind

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, he has no concern with the alleged occurrence as mentioned in the FIR, nor he has any role in the demise of his friend Tonu and is in custody since 10.06.2023. After completion of investigation challan has already been presented in Court, wherein 5 witnesses have been examined including all material witnesses who have not lent any support to the case of the prosecution, as such, he prays for grant of concession of bail to the petitioner.
4. *Per contra*, learned State counsel has opposed the bail petition by arguing that he is involved in heinous crime and do not deserve concession of bail. However, he has not disputed that all the material witnesses have not lent any support to the case of the prosecution and were declared hostile.
5. After considering the rival contentions and perusing the record, it is observed that the petitioner was named in the FIR by the complainant Mohit suspecting the petitioner to have taken his brother Tonu to consume intoxicant, who took overdose, resulting in his death. The petitioner was arrested on 10.06.2023, since then he is in custody, after completion of investigation, challan has already been presented in Court. Admittedly, 5 out of 15 witnesses cited by the prosecution have been examined including all



the material witnesses. It is not disputed that the complainant Mohit while appearing as PW-3 (Annexure P-3) and Jagdish appearing as PW-4 (Annexure P-4) have not lent any support to the case of the prosecution against the petitioner and have given clean chit to the petitioner. The learned State counsel has pointed out that only formal official witnesses remained to be examined. Therefore, considering all the facts and circumstances, and the fact that the conclusion of trial will take sufficient long time, no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

20.05.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |