

2025:PHHC:125014



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

CRM-M-44744-2025

Date of decision: September 11, 2025

Baban Yadav

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present second 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.326 dated 20.05.2010, registered for the offences punishable under Section 302 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station City Sirsa, District Sirsa.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Rakesh Kumar, in his statement recorded with the police, stated that, on 17.05.2010 at about 9:00/9:30 P.M., he and his uncle, namely, Joginder, had brought a VCR on rent to watch a movie. During this time, a scuffle took place between his uncle Joginder and Babban Yadav (petitioner herein) over the issue of playing the film in the VCR. Thereafter,

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he and his uncle went inside the room, whereas the petitioner left the place. At about 12:00 midnight, the petitioner returned to the room armed with an awl (ice-pick type instrument). He gave a blow with the awl to his uncle Joginder, declaring that he would teach him a lesson for not allowing him to watch the film. He again struck a blow with the awl on the left side of Joginder's temple, and left the awl embedded in the injury before fleeing from the spot by scaling the wall.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.06.2023. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that material witnesses have turned hostile. Learned counsel has further argued that the FSL report in question does not reflect human blood and thus, the petitioner is not likely to be convicted during trial. Thus, regular bail is prayed for.

4. Per contra, learned State counsel has opposed the grant of regular bail to the petitioner. He has submitted that out of total 21 cited prosecution witnesses, 18 already stands examined. He has further iterated that requisite efforts are being made by the prosecution to examine the remaining witnesses as well. Learned State counsel has further argued that the petitioner remained proclaimed offender for a period of 13 years in the FIR in question.

5. Having heard learned counsel for the parties and upon perusal of the record; especially keeping in view the factum of the case in hand involving capital offence, 18 prosecution witnesses out of total 21 have

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already been examined, the state showing their efforts to have the testimony(s) of the remaining 03 witnesses recorded, and further keeping in view the conduct of the petitioner who remained a proclaimed offender for an extended period of 13 years, this Court is not inclined to grant concession of regular bail to the petitioner.

6. Petition stands dismissed, accordingly.
7. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 11, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No