

2025:PHHC:084667



CRM-M-35551-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

281

CRM-M-35551-2025

Date of Decision: 14.07.2025

Jitender Singh @ Jitander Singh

..... Petitioner

*Versus*

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Loveleen Nanda, Advocate  
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. R.K. Kashyap, Advocate  
for the complainant.

\*\*\*\*

**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
203	27.08.2024	Ambala Sadar, Haryana	105 & 281 BNS 2023 (Final Report presented u/s 105 & 238(A) BNS 2023)

1. The petitioner incarcerated in the FIR captioned above, who was initially arrested for the offence under Section 105 BNS (culpable or homicidal amounting to murder) r/w 238 BNS (corresponding to 201 IPC), has come up before this Court under Section 483 BNSS, 2023, for the grant of regular bail.

2. Petitioner's counsel submits that bail has been denied to him despite the Additional Sessions Judge, Ambala on 17.04.2025, did not frame charges under Section 105 BNS 2023 against him and framed charges only for Section 238 BNS which is a bailable offence.

3. It would be appropriate to reproduce the copy of charges which reads as follows:-

*"...Additional Sessions Judge, Ambala, do hereby charge you (Ramdia and Jitender Singh) as under:-*

*That on 27.08.2024 in the area within the jurisdiction of PS Sadar Ambala, you accused Ramdia committed culpable homicide not amounting to murder of Harpreet Singh, by driving you car bearing registration*

2025:PHHC:084667



**CRM-M-35551-2025**

**2**

*No.HR18A-6247 Make Alto with the intention of causing death of Harpreet Singh and thereby you committed an offence punishable under Section 105 BNS 2023 and within the cognizance of this court.*

*Secondly, on the same date and place, you both above named accused knowingly threw the injured Harpreet Singh in the bushes near the road to disappear evidence with the intention to screen themselves from legal punishment and thereby you both committed an offence punishable under section 238(b) of BNS 2023 and within the cognizance of this Court.*

*And I hereby direct you to be tried by this Court on the above said charge.”*

4. Thus, perusal of the charge shall clearly points out that charges which were framed against the petitioner-Jitender Singh, were only under Section 238(b) BNS and 105 BNS read with 238(b) qua co-accused Ramdia. Since the offence is punishable for more than two years, under first schedule of classification offence under Section 238(C) BNS has been deemed as bailable. Once the offence is bailable, the Court cannot keep such a person in custody, as such detention order of petitioner w.e.f. 17.04.2025 is illegal. Since he has been charged for an offence under Section 238(b) BNS, before the Court, as such he shall be released on personal bonds, subject to satisfaction of the trial Court. Petitioner is ordered to be released immediately. Registry to convey this order to the all concerned on top most priority

5. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, they can also verify it and may download and use the downloaded copy for attesting bonds.*

6. **Present petition stands allowed.** All pending miscellaneous applications, if any, stand disposed of.

**(ANOOP CHITKARA)  
JUDGE**

**14.07.2025  
anju rani**

Whether speaking/reasoned: Yes  
Whether reportable: Yes