



CRM-M-2346 of 2025

-1-

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

214

CRM-M-2346 of 2025
Date of Decision: 27.10.2025

Salim

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Mayur Karkra, Advocate and
Ms. Shivani Jaglan, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.728 dated 29.08.2022 registered under Section 302 of the IPC, at Police Station Samalkha, District Panipat.
2. Brief facts of the present case as per the prosecution are that due to some altercation, the petitioner attacked the deceased-Afjal with kassi on his neck and head and murdered him.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the complainant and the eye-witness examined so far have not supported the case of the prosecution. To lend force to his contention, he has drawn the

**CRM-M-2346 of 2025****-2-**

attention of this Court to the statement of the complainant-Rajesh Kumar (Annexure P-2), alleged eye-witness Rattan Singh (Annexure P-3), made before the trial Court wherein none of these witnesses have supported the case of the prosecution. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 29.08.2022. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 22 prosecution witnesses and out of them, only 10 have been examined so far and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and there are specific allegations against him for committing the murder of Afjal. However, he has not controverted the fact that the complainant and eye-witness have turned hostile and that the petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the complainant and the other eye-witness have not supported the prosecution case and have not identified the petitioner before the trial Court. The petitioner is in custody for the last more than 03 years; investigation is complete; challan stands presented; charges framed, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further



CRM-M-2346 of 2025

-3-

custody especially in the facts and circumstances of the present case. The further detention of the petitioner without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

27.10.2025
D.Bansal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No