



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2043-2025
Decided on: January 21, 2025

Khayali Dutt
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.
Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of the BNSS, 2023, for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Khayali Dutt, aged 66 years, son of Bhagwati Dutt	260	18.07.2024	103(1), 3(5) of BNS, 2023 [Ss. 191(3) & 190 of BNS, 2023, added, and S. 3(5) of BNS, 2023, was deleted, later on]	Sadar, Ballabhgarh	Faridabad

2. Learned counsel for the petitioner submits that as per allegations of the prosecution, at the time of inflicting injuries to Pratap Singh @ Piyush (deceased) by the other co-accused, present petitioner



was present on spot. No relationship of the petitioner with other co-accused has been explained in the FIR. Learned counsel contends that investigation in the case has already been completed and without there being any active role attributed, the petitioner is lodged inside jail. Even there is no allegation that the petitioner was armed with any weapon at the time of incident. No injury, simple or grievous, is alleged to have been caused by the petitioner. Thus, prays for releasing the petitioner on bail.

3. On the other hand, Ms. Mayuri Lakhanpal, Deputy Advocate General, Haryana, while opposing the prayer for bail of the petitioner, after seeking instructions from SI Harkesh Singh, submits that presence of the petitioner is very much established because he can be identified from the CCTV footage/video recording of the spot. However on facts, learned State counsel does not dispute the contentions addressed by the petitioner's counsel, and submits that as per video recording, petitioner has not been noticed causing any injury to the deceased.

4. Considering all the aspects, this Court finds that the petitioner, who is aged about 66 years, has not been attributed any active role in commission of crime, and even if his presence is noticed seriously, his complicity in the offence, with the aid of sharing common intention, requires deep examination after leading of evidence by the prosecution. Hence, his prayer for bail requires consideration.

As informed by learned State counsel also that the investigation has been completed, but the process of recording of the evidence is yet to start, liberty of the petitioner cannot be curtailed for



indefinite period, and that too without there being any specific attribution to him qua the murder in question.

5. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 21, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**