



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

CRM-M-5080-2025

Date of Decision:13.05.2025

Bagicha Singh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Satbir Singh Gill, Advocate,for the petitioner.
 Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.184 dated 29.05.2021 registered under Sections 201, 302, 346, 365 of IPC, at Police Station Raina, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case, without collecting any evidence against him. As per the allegations levelled by the complainant, Pardeep Kumar (since deceased) had gone to the petitioner for getting his car repaired. However, he did not return home in the night and the FIR was initially registered under Section 346 IPC. Later on, the dead body of Pardeep Kumar was found near MDK School, Rania Road, Sirsa and the offences under Sections 302, 365, 201 of IPC were ordered to be added in the present case. After recovery of dead body, the post-mortem was conducted of the body of the Pardeep Kumar and only one injury was found on his person. Learned counsel further submits that in fact, it was a case of blind murder and there was no motive on the part of the petitioner to commit the crime. Even as per the medical opinion taken by the police, the cause of death of Pardeep Kumar could not be ascertained. Thus, it is apparent that there is no

conclusive report to show that the petitioner had committed the murder of Pardeep Kumar, since deceased. Apart from that, the petitioner is in custody since last 03 years and 11 months and was never involved in any other criminal case. He further contends that only two witnesses, out of total 36 witnesses, have been examined so far and the trial is not likely to conclude in near future.

3. On the other hand, learned State counsel has filed reply by way of an affidavit of Deputy Superintendent of Police, Sirsa and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and the petition deserves to be dismissed by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, even though, serious allegations have been levelled against the petitioner, but the petitioner is in custody for the last about 03 years and 11 months. On the other hand, the trial is not making any headway in the present case and only 02 witnesses, out of total 36 witnesses have been examined so far. Further, the custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

13.05.2025
hemlata

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