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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5591-2025
Date of Decision: 13.02.2025

KARAN

....Petitioner(s)

VERSUS

STATE OF HARYANA

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Asutosh Singh, Advocate for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), 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(s)	FIR No.	Date	Section(s)	Police Station	District
Karan	186	27.07.2022	302 & 34 IPC (Section 201 of IPC added later on)	Civil Lines	Gurugram, Haryana

2. Learned counsel for the petitioner submits that deceased in the present case is Bhura s/o Silli Raj. Raju Khanger is brother of deceased at whose instance FIR has been registered.

The complainant in fact had received information from Aarti on his phone to the effect that Bhura has been stabbed by some unknown

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persons at night, leading to his death. Subsequently, one of the accused Surjeet @ Bittoo was arrested and on his statement, name of Rohit @ Lala and Karan (petitioner herein) was recorded. Resultantly, after arrest of the named accused, recovery of phone was shown from co-accused Rohit @ Lala and from petitioner Karan, wallet and aadhar card of the deceased were shown to be recovered. As per the case of the prosecution, co-accused Surjeet @ Bittoo had caused injury to the deceased Bhura with scissors.

Counsel further submits that the sole basis of the prosecution to implicate the petitioner in the case is the disclosure statement of co-accused Surjeet @ Bittoo and thereupon, recovery of wallet and aadhar card belonging to the deceased Bhura from the possession of the petitioner.

By no stretch of imagination, it can be assumed that any one after committing murder would retain the articles such like wallet and aadhar card with him to make it easier for the police to involve him in such a heinous crime.

He also submits that the petitioner has not been attributed any role in the crime rather in the statement of the complainant Raju Khanger, it has been stated by him that his brother's phone and purse was in his pocket (deceased's pocket) and police official had taken out the purse and mobile phone from the pocket of the deceased.

Counsel further submits that case of the prosecution qua the petitioner is completely demolished and petitioner being inside jail for the last 02 years and 06 months is not required to be in custody any longer and thus, prays for bail.



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3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel argues that prosecution evidence is almost complete and decision in the case is likely to be very soon. However, there are few more witnesses and one of those resides in the State of Madhya Pradesh, who is yet to appear to depose.

On being asked by Court, learned State counsel informs that the case is based upon circumstantial evidence and recording of the statement of the said witness is awaited.

5. I have heard learned counsel for the parties and gone through the record with their able assistance.

6. Considering all the circumstances along with allegations levelled by the prosecution against the petitioner and the fact that he is already inside jail for the last more than 02 years and 06 months and there being no other case of similar nature ever registered against the petitioner, I deem it appropriate to grant the concession of bail to the petitioner.

7. 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.

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

9. 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.

10. Petition stands disposed of.

February 13, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

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