



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-5228 of 2025

Reserved On: 07.11.2025
Pronounced On: 14.11.2025

Navjot alias Jotu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Ms. Santosh Miglani, Advocate
for the petitioner(s).

Mr. Vijay Kumar, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 302, 201 and 34 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, the FIR No. 306 dated 24.09.2023 has been lodged in Police Station Sadar Kaithal, District Kaithal, Haryana. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being in response to a complaint moved by ‘Pala Ram’ son of Kesha Ram, hereinafter being referred to as “complainant” only. In his above mentioned complaint, it was stated by the complainant that on 23.09.2023, his son, namely ‘Joban Kumar’ was called by ‘Jotu’ son of Chander Bhan, on his mobile phone, and thereafter, his son went to

village Nauch. According to complainant, they kept on waiting for the return of 'Joban Kumar' but he did not return and in the morning when his wife went to Jotu's house to enquiry about the whereabouts of his son 'Joban Kumar' he told her that he was not aware of the whereabouts of 'Joban Kumar'. As per complainant, thereafter, his son Gurmeet called Gopi son of Sardar who told him that he had spoken to Joban Kumar on previous night at about 09.30 P.M., and that 'Joban Kumar', at that point of time, was scared and requested for his security from 'Jotu' and 'Ballu' who had thrashed him.

3. The complainant has further alleged that on 24.09.2023 at about 08:00 A.M., his nephew Gurjant told him that the dead body of 'Joban Kumar' was lying in the fields of 'Rajesh'. As per complainant, thereafter he rushed to the spot and found there the dead body of his son. It is the case of prosecution that on the basis of above mentioned complaint formal FIR in this case was lodged, and the investigation taken up.

4. Heard.

5. It has been contented on behalf of petitioner that the present case is a case wherein there is no eye-witness account, and that merely on the basis of suspicion the petitioner has been implicated in the present case. The learned counsel for the petitioner has also argued that the instant case is based upon circumstantial evidence, and that no convincing evidence, whatsoever, has been collected by the Investigating Agency which can connect the petitioner with the commission of crime.

6. In addition to above, the learned counsel for the petitioner has also argued that the petitioner has already suffered a long incarceration for being in custody for a period of more than two years & one month, and that

the trial is taking place at a slow place as in the last two years, out of 22 only 14 prosecution witnesses have been examined.

7. While controverting the above mentioned arguments, the learned State counsel has argued that very convincing evidence against the petitioner has been collected, and that the CCTV footage is there, showing the involvement of the petitioner in the commission of crime. According to learned State counsel, the allegations against the petitioner are for commission of murder which is a very serious offence and therefore, in view of the gravity of offence also the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A careful perusal of record shows that in the present case, there are several relevant factors which are required to be taken into consideration for arriving at any decision with regard to instant bail petition:-

- i) that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than two years & one month;
- ii) that the trial is not likely to be concluded in near future; as out of 22 only 14 prosecution witnesses have been examined;
- iii) that all the private witnesses have already been examined;
- iv) that nothing is left to be recovered from the possession of the petitioner;
- v) that the detention of petitioner is not likely to serve any

purpose;

- vi) that there is nothing on record to show that if released on bail, the petitioners are likely to tamper with the evidence or influence the witnesses; and
- vii) that there is nothing on record to show that if released on bail, the petitioners will not participate/cooperate in the trial; and
- viii) that there is no eye-witness account to prove the involvement of petitioner in the commission of offence.

10. Taking into consideration the cumulative effect of all the aforesaid factors, the present petition deserves to be allowed. Hence, the same is hereby **allowed** and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

11. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

November 14, 2025
“DK”

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