



CRM-M-5804-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-5804-2025
Decided on: February 27, 2025

Diggu @ Digamber
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Anmol Partap Singh Mann, Advocate,
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANJAY VASHISTH, J.

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	FIR No.	Date	Section(s)	Police Station	District
Diggu @ Digamber son of Shiv Ram, aged about 28 years	237	20.07.2024	103(1) and 3(5) of BNS, 2023	Hathin	Palwal

2. After hearing at length, the following order was passed by this Court on 05.02.2025:-

*“Present: Mr. Anmol Partap Singh Mann, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.*

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*1. The instant petition has been filed under
Section 483 of BNSS, 2023, for grant of regular bail to the*



petitioner – Diggu alias Digamber, who has been booked for having committed the offence punishable under Sections 103(1), 3(5) of BNS, 2023, in FIR No. 237, dated 20.07.2024, registered at Police Station Hathin, District Palwal, Haryana.

2. *Counsel for the petitioner contends that occurrence of murder took place in the intervening night of 19/20.07.2024 and the dead body of the deceased – Hetlal @ Sholu was noticed by one Sagar in the morning on 20.07.2024. Thereupon, at about 12:15 p.m., Shiv Charan brother of the deceased got lodged the present FIR, without expressing his doubt over anybody.*

However, on the same day i.e. on 20.07.2024, a supplementary statement is shown to be recorded by the complainant – Shiv Kumar, wherein, the story developed by the prosecution, is that, his brother Hetlal @ Sholu was unmarried and had sold out a portion of his share of land for approximately Rs.18.00 lakhs. Some of the money was kept by his brother with him and petitioner – Diggu @ Digamber, who is also related as nephew of the deceased, demanded a sum of Rs.2.5 lakhs, from the deceased – Hetlal @ Sholu, however, he refused the same. On that account, complainant stated in his supplementary statement that having a grudge over denial to give money, in fact, Diggu @ Digamber, has murdered Hetlal @ Sholu along with co-accused Ravi s/o Bissu, who is also the resident of same village.

3. *Learned counsel for the petitioner argues that during the course of investigation, no evidence has been collected in regard to the sale of land, if any, was done by the deceased – Hetlal @ Sholu before his death or sale consideration of Rs.18.00 lakhs, was received by him. He further points out that scene of crime report was examined by the Forensic Science Unit on 20.07.2024 at around at 08:00 A.M., and in the report so prepared, it was noticed that blood stained wooden stick (around 2'8" long, 3/4th inch thick, circular), was there near the head rest side of the cot and was bloodstained on its one end. As per the clause 6 of the report, the instructions were issued to the I.O. to conduct examination of SOC by a cybercrime expert and a fingerprints expert soon, of the articles which were recovered from the spot.*

4. *While referring to the recovery memo dated 20th July, 2024, counsel for the petitioner submits that the said stick was not present, as directed by the Scientific*



Officer at the scene of crime. However, it has been shown to be recovered by the Investigating Agency. Therefore, a false narrative has been constructed and fabricated case has been planted against the petitioner. He is stated to be inside jail since 20.07.2024, and investigation in the matter has already been completed.

Counsel further submits that there being no direct evidence, the liberty of the petitioner cannot be curtailed because the culmination of the trial is likely to take longer time. Thus, counsel prays for grant of concession of regular bail to the petitioner.

5. *Learned State counsel prays for some time to get necessary instructions and to file status report qua all the aforementioned submissions.*

6. *Adjourned to 27.02.2025.”*

3. Today, learned State counsel has filed status report, dated 26.02.2025, which is taken on record, and copy thereof has been supplied to the learned counsel for the petitioner. Registry to tag the same at appropriate place.

4. Answer to the specific assertions made by learned counsel for the petitioner, as noticed and recorded in the order dated 05.02.2025, are missing in the status report, which has been filed today. However, after getting required instructions from ASI Bijender, who is present in the Court, learned State counsel informs the Court that, in fact, the wooden stick (around 2'-8" long, 3/4th inch thick, circular) was belonging to the deceased Hetlal @ Sholu, and despite the same being blood stained, was not taken into police possession for its further transmission to the Forensic Science Laboratory.

On being asked by the Court and obtaining instructions from ASI Bijender, learned State counsel further states that no such statement of the complainant or any other witness was also recorded to the effect that the wooden stick in question belonged to the deceased. Court is also informed that out of total 19 prosecution witnesses, none has been examined till date. The petitioner is inside jail since 20.07.2024.



5. After examining the facts and circumstances; documents appended with the present petition; hearing learned counsel for the parties; and considering the clarification sought today from learned State counsel, I find that the plea of bail, as advanced by learned counsel for the petitioner, is worth considerable and he deserves for the concession of bail.
6. Consequently, without making any observation on the merits and quality of evidence, 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.
7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. 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.
9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 27, 2025
Pkapoor

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