



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

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**CRA-S-648-2025 (O&M)
Date of Decision: 27.10.2025**

Neeraj

....Appellant

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sushil Sheoran, Advocate for the appellant.

Mr. Mohit Chaudhary, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

CRM-7949-2025

This is an application filed under Section 5 of the Limitation Act, 1963, for condoning the delay of 175 days in filing the present appeal.

Notice in the application.

Mr.Mohit Chaudhary, DAG, Haryana accepts notice and states that he has no objection to the prayer made by the applicant in the application.

For the reasons mentioned in the application and the statement made by learned counsel for the State, the application is allowed and the delay of 175 days in filing the present appeal is hereby condoned.

CM stands disposed of.

CRM-7950-2025

This is an application for placing on record a copy of FIR as Annexure A1, Statements of PW1, PW2 and PW5 as Annexures A2 to A4, respectively, Postmortem report as Annexure A5 and order of this High Court

dated 10.09.2024 as Annexure A6.

Application is allowed, as prayed for.

Documents, Annexures A1 to A6, are taken on record, subject to just exceptions.

CRA-S-648-2025

1. Present appeal is directed against the order dated 31.05.2024 passed by the Additional Sessions Judge, Charkhi Dadari, dismissing the application of the appellant for grant of regular bail in case FIR No.362 dated 18.11.2023 registered under Section 302 of the IPC [Section 201/377 IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 added lateron (hereinafter referred to as 'SC/ST Act')], at Police Station Dadri Sadar, District Charkhi Dadri.

2. Brief facts of the present case are that as per the prosecution, on 18.11.2023, the police got the information about the dead body of Jai Kishan lying within the revenue estate of Village Imlotha on the path leading towards Village Pond. On the written complaint of Krishan, cousin of the deceased, FIR was lodged against unknown persons. During investigation, calls details of the deceased were collected which revealed that the last conversation of the deceased was on the mobile phone belonging to the father of the petitioner being used by him (Neeraj-petitioner). As such, petitioner was impleaded as accused in the present FIR.

3. Learned counsel for the appellant contends that the appellant has been implicated in the present case only on the basis of last call of deceased, whereas, the police has not attached any call detail of the deceased to show any connectivity of the appellant with the murder. He further submits that

complainant, who appeared as PW1, made a statement that he has not named the petitioner as an accused either in the complaint or in any other statement or in oral enquiry by Police and so has also been admitted by PW2. Postmortem of the deceased further shows that only 2 injuries were sustained by the deceased and the doctor had not given any specific opinion except that the death can be caused due to the injuries caused by fist and leg blows. He has further contended that the appellant is a 20-year young boy and a student of ITI. He is in custody since 23.11.2023 and is not involved in any other case. Challan has already been filed; charges have been framed and out of 32 witnesses only 8 witnesses have been examined till date. The trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the appeal deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the appeal, has filed the custody certificate of the appellant, which is taken on record. He has vehemently opposed the prayer for bail, stating that the offence committed by the appellant is serious in nature. However, he has not controverted the fact that appellant has clean antecedents and he is not involved in any other offence.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 year and 11 months; investigation is complete; challan stands filed, out of 32 prosecution witnesses only 8 have been examined and the trial is proceeding at snail's pace. That being so, no useful

purpose would be served by detaining him in further custody as the trial may take long time to conclude. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

27.10.2025
Vivek

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No