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

CRM-M-10518-2025 (O&M)

Date of Decision: 04.07.2025

FARMAN

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anshul Khurana, Advocate for

Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No. 430 dated 19.12.2023 registered under Sections 302, 201, 34 of Indian Penal Code at Police Station Murthal, District Sonapat.

2. The brief facts of the prosecution story are that the present case was registered on the statement made by complainant Mahfooj (father of the deceased), who reported that he married his daughter Gulista, aged about 22 years with Ahsaan resident of Rockseda, District Panipat and his daughter used to reside with her husband in a rented accommodation at village Gyaspur and for the last two/three months, his daughter was living separately from her husband due to some altercation between them. He called his daughter 2/3 days back but she did not give reply to the calls made by him. Thereafter, he went to his daughter's rented accommodation in village Gyaspur but he did not find her there and he came to know from the neighbours that she had not come to her room for the last three days and when he was going to village Rasulpur in search of his daughter, he found a dead body lying in between of oranges near the

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bridge and police officials as well as many people also gathered there and when he came closer to the dead boy, he identified the dead body of his daughter. He also identified her mobile phone as well as the photographs in the phone cover of his daughter as of Imran resident of Gyaspur. A dispute was going on between his daughter and Farman (petitioner) son of Ashu and Ansh son of Shokeen, resident of Gyapur. Earlier also, they had beaten his daughter and also extended threats to kill her. He had suspicion that Farman and Ansh had committed murder of his daughter. With these allegations, the complainant has prayed for taking appropriate legal action against the accused persons.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the FIR(supra) on the basis of suspicion as there is no direct evidence against the petitioner and the entire case of the prosecution is based upon the circumstantial evidence. The star witnesses i.e. complainant and two other material witnesses who are father and brother of the deceased, have been examined as PW-1 to PW-3 and all of them have not supported the case of the prosecution and learned Public Prosecutor has declared them hostile and their testimonies are available on record as Annexures P-2 to P-4 respectively. As such, there is no link evidence available on record to connect the petitioner with the alleged crime and the petitioner has suffered incarceration of more than 01 year and 06 months as he is in custody since 23.12.2023.

4. Learned State counsel produces the status report dated 01.07.2025 by way of affidavit of Malkeet Singh, HPS Assistant Commissioner of Police, Ganaur, District Sonipat along with custody certificate of the petitioner, which are taken on record and *per contra*, opposes the grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established during the investigation as the weapon which has been used in the crime, was



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recovered at the instance of the petitioner. As such, he is not entitled to any relief by this Court. However, he could not controvert the fact that petitioner is not involved in any other case and out of total 29 prosecution witnesses, only 06 have been examined so far.

5. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last more than 01 year and 06 months. Investigation of the case is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 29 PWs, only 06 have been examined so far. No useful purpose shall be served by further detention of the accused/petitioner.

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Farman is ordered to be released on regular bail during pendency of



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the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

04.07.2025

Ajay Goswami

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No