

2025:PHHC:083743



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

**CRM M-22701-2025**  
**Date of Decision:08.07.2025**

|                  |                |
|------------------|----------------|
| Udit Mittal      | ...Petitioner  |
| Versus           |                |
| State of Haryana | ... Respondent |

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr.Vinod Ghai, Senior Advocate with  
Mr. Arnav Ghai, Advocate and  
Mr. Kashish Sahni, Advocate  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

**N.S.SHEKHAWAT, J.**

1. The petitioner has filed the present petition under Section 483 of the B.N.S.S., 2023 with a prayer to regular bail to him in case FIR No.426 dated 18.06.2023 registered under Sections 302 and 506 of IPC (Offences under Sections 212 and 216 IPC added later on) at Police Station Chandni Bagh, District Panipat.

2. The FIR in the present case has been registered on the basis of the statement made by Karan Jindal and the same has been reproduced below:-

*“To  
The SHO sahib,  
Police Station Chandni Bagh, Panipat.*

Sir,

*I, Karan Jindal son of Satish Kumar am resident of House No.1545, Sector 25, Part 2, Panipat. We are 2 brothers of whom I am elder and younger is Prince. Our father aged about 54 years used to do work of chemical. My father had dealings with Udit Mittal son of Jai Bhagwan resident of House No.1451, Sector 11/12, New Housing Board Colony, Panipat. My father had told me that Udit had been calling him for last many days and threatening him and was building pressure. On dated 17.06.2023 also many calls were received on mobile number of my father 9812157000 from mobile number of Udit 9254456888 and he again and again asked my father to meet him immediately. On 17.06.2023 in the evening my father after taking his meals went to meet Udit on his scooty HR-06AU-7032. When my father did not return after a long time, then I called on mobile of my father from mobile of my brother Prince 9716600008 and he was very perplexed and frightened and he said that Udit has said very bad things to him and has given verbal abuse and he is giving threats to kill him. My father also told that he has left for home on his scooty and Udit is turning his car so as to run over him. Listening this, I immediately left my house on my scooty and I saw on the road that Innova car No. HR-06BC-9643 on high speed and intentionally run over my father from back side on extreme left side and due to which neck of my father got separated and he died on the spot. Udit came out from the car and he claimed that he has*

*taught a lesson to my father Satish Kumar for not obeying him. Upon finding an opportunity, Udit fled from the spot. After seeing the condition of my father, I lost my senses and got unconscious. My father has been murdered by Udit by intentionally running his car over my father. You are requested that a case of murder be registered and appropriate legal action be taken and the accused be given strict punishment. I would be grateful. Sd/- Karan Jindal 18.06.2023”.*

3. Learned senior counsel appearing on behalf of the petitioner has vehemently argued that the alleged occurrence had taken place at about 08.30 p.m. on 17.06.2023. Even, the police had received the information immediately to the effect that an accident had taken place between an Innova car and a scooty. The police also reached at the spot in no time and found the dead body lying there. Admittedly, the legal heirs of Satish Kumar, since deceased, were there and despite request by the police, they refused to make the statement and the first statement of the complainant was recorded at 12.37 p.m. on 18.06.2023. In the said statement, the complainant had shown himself as the eye witness, however, he did not get the FIR registered at the spot itself. Learned senior counsel further submits that in the FIR dated 18.06.2023, the complainant had claimed that he had witnessed the occurrence, in which, the Innova car, allegedly driven by the petitioner, came at high speed and intentionally run over his father from the back on the extreme left side. However, the

complainant moved an application (Annexure P-3) on 22.06.202, i.e., 04 days after the occurrence, praying for impartial investigation in the present case. From a perusal of application (Annexure P-3), it is apparent that the complainant stated that the accident had taken place near Hanuman Mandi Chowk and when he reached at the spot, he saw that his father had died. Consequently, it can be easily seen that the complainant was not an eye witness and he had rather introduced as an eye witness by the police on the next day of the occurrence.

4. Learned senior counsel has further submitted that in fact the place of occurrence is a *Katcha* road and is full of path-holes and it is impossible to drive a vehicle at a very high speed there. Moreover, it was a case of road side accident and due to the previous enmity, the petitioner has been named as an accused in the present case. Even, as per the opinion of the doctors, who conducted the postmortem examination, the possibility of sustaining the injuries in a road side accident could not be ruled out. He further contends that in fact an agreement to sell was entered into between the petitioner as a purchaser and Ms. Usha Rani wife of deceased as a seller of a House No. 792, Sector 25, Part-2, Panipat on 06.10.2022. Out of the sale consideration of Rs.2.80 crores, the petitioner had already paid an amount of Rs.2.20 crores as initial sale consideration and the sale deed was to be executed up to 01.02.2023. Even, the sale deed could not be executed as the seller, i.e., the deceased and his wife were not

having occupation certificate, which is to be issued by the estate officer. Even, the petitioner had also filed a civil suit titled as **“Udit Mittal Vs. Usha Rani”** in the Court of Civil Judge (Junior Division), Panipat to recover the possession of the property in question. Consequently, the petitioner has been named as an accused in the present criminal case to pressurize him so that he cannot ask the complainant side to return the amount of Rs.2.20 crores.

5. Learned senior counsel further submits that even otherwise, from the contents of the FIR, an offence under Section 304-A IPC is made out at the worst and the prosecution is yet to lead evidence to prove the charge of murder against the petitioner. Even, the prosecution had relied upon total 37 witness, but no witness has been examined so far. The petitioner was arrested in the present case on 24.06.2023 and is in custody for the last about 02 years. On the one hand, the petitioner is continuing in custody whereas on the other, the prosecution witnesses are intentionally not appearing before the trial Court so as to ensure the longer period of custody of the petitioner. Learned counsel has further referred to various zimini orders passed by the trial Court in this regard and submitted that the prosecution is making every possible attempt to delay the trial before the trial Court. Thus, the petitioner deserves to be enlarged on bail.

6. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the

petitioner on the ground that the petitioner had killed Satish Kumar due to civil dispute between the parties. Even, the petitioner is the main accused and had intentionally killed Satish Kumar. Further, the prosecution evidence is yet to start before the trial Court and the petitioner may influence the witnesses of the prosecution. Thus, the petition deserves to be dismissed.

7. I have heard learned counsel for the parties and perused the record.

8. In the present case, the petitioner is stated to be in custody for the last more than 02 years, however, the prosecution has not been able to examine even a single witness so far. Even, it is apparent from the various *zimini* orders passed by the trial Court that charge was framed against the petitioner on 15.05.2024 and the case was listed for prosecution evidence for the first time on 07.08.2024. However, in the last 01 year, the case has been repeatedly adjourned by the trial Court as the prosecution witnesses chose not appear before the trial Court. Thus, it is apparent that the trial before the trial Court has been unreasonably delayed. Even otherwise, the allegations levelled against the petitioner no doubt point towards the seriousness of the charge against him, but he is in custody for the last more than 02 years. Even, the prosecution has relied upon 37 witnesses, but no witness has appeared in the witness box so far. Thus, the trial may not conclude in the near future and his further custody will not serve any

meaningful purpose. Apart from that, the petitioner is a businessman and is first offender.

9. In view of the above, without commenting any further on the merits, 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 subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

*(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*

*(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

*(viii) The petitioner shall report every 1<sup>st</sup> and 3<sup>rd</sup> Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1<sup>st</sup> and 3<sup>rd</sup> Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.*

**08.07.2025**  
amit rana

**(N.S.SHEKHAWAT)**  
**JUDGE**

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