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2025:PHHC:112048



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: August 25, 2025

Lalit @ Virender @ Virender Jakhar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Baljeet Beniwal, Advocate,
 Mr. Ravikant Beniwal, Advocate,
 Mr. Kushagar Pannu, Advocate and
 Mr. harish Prasher, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.336 dated 10.08.2024, registered for the offences punishable under Sections 103(1), 249(A), 61(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25, 29 of the Arms Act, 1959 (for short 'Arms Act'), at Police Station Chandhut, District Palwal, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

"To, SHO Sahib, Police Station Chandhat, Sir, I request that I am Suresh son of Dharamvir, a permanent resident of village Chandhat. My cousin brother Maherchand son of Ramvir went to the gym and for a walk at around 04.30-5.00 AM as usual. He informed me that Deepak son of Suresh, resident of Chandhat, is lying dead on the crematorium road, soaked in blood. On receiving this information, I reached there with my family and recognized my son's body, who was lying dead in a bloody

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state and had four bullet wounds on his head. My son was called late at night by Vinod son of Devendra, Deepak son of Dharamvir, Brahmapal son of Sube, Prempal son of Deshpal, Aju son of Suraj, Rahul alias Bhola, residents of Chandhat and Deepak left home at around 12 o'clock at night. He has now been found dead on the road in front of Sabarjit Pandit's farm. Who had abused my son Deepak on the phone a few days ago. They had threatened to kill me. I am completely sure that my son Deepak was murdered by Vinod son of Devendra, Deepak son of Dharmveer, Brahmapal son of Sube, Prempal son of Deshpal, Aju son of Suraj, Rahul alias Bhola residents of Chandhat, in a conspiratorial manner, and by shooting him due to the above mentioned enmity. Now I have come to the police station with a report. Action should be taken."

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 27.08.2024. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that alleged incident took place on 10.08.2024, FIR in question was registered on the same day, i.e., 10.08.2024, wherein, the petitioner was not named. However, it is only in the supplementary statement made by the FIR/ complainant on 26.08.2024 that name of the petitioner figured. Learned counsel has further argued that prime basis of the petitioner having been implicated into the FIR in question is the above supplementary statement of the FIR/ complainant, which accuses the petitioner, of providing money to the accused who have committed the murder as also providing them safe/ house after commission of offence in question. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 23.08.2025, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.08.2024 whereinafter investigation was carried out and challan was presented on 26.11.2025. Total

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30 prosecution witnesses have been cited, none has been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 23.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 11 months and 27 days, & is not shown to be involved in any other case/ FIR.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 25, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No