

CRM-M-31047-2025

2025:PHHC:172250



225

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31047-2025

Deepak @ Deepu

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: December 10, 2025

Date of Uploading: December 10, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Yuvraj Singh Chauhan, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.250 dated 10.08.2023, for the offence punishable under Section 302 of IPC, registered at Police Station Ram Nagar, District Karnal.

2. The gravamen of allegations against the petitioner is that complainant, namely, Challo Devi, stated that she was a resident of House No.64/1, Ram Nagar, Karnal, and on 10.08.2023 at about 05:30 PM, she was present at her home. Opposite her house is the residence of Prem Chand, where his three sons live along with their mother Parvati. She stated that the two elder sons habitually consume liquor. On the said day, Parvati and the youngest son were away for personal work. At around 05:00 PM, a quarrel broke out

CRM-M-31047-2025

between the two elder sons, and they came onto the street in front of her house.

The complainant stated that she saw Deepak (*petitioner herein*), inflicting *lathi* blows on the head and arms of Ashwani @ Suresh. As a result, Ashwani collapsed on the ground. The accused then fled from the spot with the *lathi*. Thereafter, neighbours gathered at the spot and transported Ashwani to the hospital in an e-rickshaw, where the doctor declared him dead.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.08.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that prime prosecution witnesses have turned hostile and, thus, there is no likelihood of trial culminating into conviction. Learned counsel has urged that the petitioner is a man with no antecedents. Learned counsel has further urged that the petitioner has suffered incarceration for more than 02 years. 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 has further submitted that there is clear medical evidence available against the petitioner and, thus, petitioner ought not be extended concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 08.12.2025 in the Court today, which is taken on record.

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

6. The petitioner was arrested on 15.08.2023 whereinafter investigation was carried out and challan has been presented on 15.09.2023.

CRM-M-31047-2025

Total 12 prosecution witnesses have been cited, out of which, 09 already stands examined till date. It is not in dispute before this Court that prime prosecution witnesses have turned hostile. The rival contention raised at Bar give rise to debatable issues; including weightage required to be attached to the testimony of hostile witness(s), 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 08.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 03 months and 24 days & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances 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 cell-phone number to the Investigating Officer/SHO of concerned Police Station and

CRM-M-31047-2025

shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
(vii) The petitioner shall not in any manner try to delay the trial.

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.

(SUMEET GOEL)
JUDGE

December 10, 2025
mahavir

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