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CRM-M-30309-2025
Decided on : 08.09.2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Akash . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gaurav Gupta, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Akash	606	15.07.2023	147, 148, 149, 323, 325, 506 of IPC, 1860 [S. 302 of IPC, added later on]	Camp Palwal	Palwal

2. As per FIR got lodged at the instance of complaint Rakhi, there are total 5 accused, namely (i) Suresh alias Dalip, (ii) Sahil s/o Suresh alias Dalip, (iii) Akush s/o Suresh alias Dalip, (iv) Akash s/o Subhash (petitioner herein), and (v) Vikash s/o Subhash.

3. Deceased in the present case is Sarita alias Neetu and her son Harshit is an injured. Allegation against petitioner is that from the roof top, petitioner Suresh alias Dalip threw brick, which caused injury to Sarita alias



Neetu on her head. As per MLR, Sarita alias Neetu sustained only one injury i.e. lacerated wound on her head and thereafter initially FIR was registered under Sections 148, 149, 323, 325, 506 of IPC. After about 9/10 days, Sarita alias Neetu expired and offence under Section 302 of IPC was added. Thus, counsel argues that infact the arguable issue before the trial Court would be, whether the offence of 'murder' or 'causing death-not amounting to murder', as alleged by the complainant Rakhi, is made out or not. There is no direct evidence of having any prior grudge to cause murder.

Further argues that looking at the nature of allegations, it also appears that if the offence is proved, learned trial Court will also examine, whether offence is punishable under Section 304 Part-I or Part-II or any other punishable provisions of IPCor BNSS.

4. Both the sides are residing in neighbourhood area and there being no prior incident of fight, counsel submits that already sufficient incarceration for a period of 2 years and 1 month has been suffered by petitioner inside jail. As of now, out of total 26 prosecution witnesses, only 2 witnesses (who are material witnesses), have only been examined. Process of recording of statements of other witnesses is likely to take considerable time and the position of recording of only 2/3 prosecution witnesses is not disputed by learned State counsel. However, he points out that there are other criminal cases also registered against the petitioner.

5. Learned counsel submits that petitioner is not indulged in any other criminal activity, except the present one. Further submits that the co-accused – Suresh alias Dalip, has already been granted concession of regular bail by this Court, vide order dated **03.09.2025**, passed in **CRM-M-35586-**



2025 (O&M), titled as, “**Suresh alias Dalip v. State of Haryana**”. In support of his contention, he files copy of the order in Court, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Thus, claiming parity, learned counsel for the petitioner prays for grant of concession of regular bail to the petitioner as well.

6. On the other hand, learned State counsel has vehemently opposed the prayer for grant of bail, submitting that keeping in view the nature of allegations, petitioner is not entitled to the concession of regular bail without first establishing his innocence. However, he is not able to controvert the factual assertions made here-above by the petitioner’s counsel.

7. I have heard learned counsel for the parties and perused the relevant material available on record.

8. On *prima facie* basis, this Court finds that the petitioner is not an habitual criminal involved as a threatening person to the public in general, disturbing their lives/peace. Furthermore, it is noticeable that petitioner is not indulged in any other criminal activity, except the present one. Further, one of the co-accused ‘Suresh alias Dalip’ has also been granted concession of regular bail by this Court vide order dated 03.09.2025.

Besides, petitioner is not alleged to be armed with any weapon, except of the allegation that with an iron rod, he caused injury on the right foot of Harshit. Meaning thereby, it would be an argument with accused/petitioner side also that though, petitioner was armed with a rod, causing no injury to deceased by using said rod, would itself reflect that



actually there was no intent to cause murder. Thus, taking note of the aforesaid circumstances and also total incarceration period, i.e., 2 years and 1 month, this Court finds it appropriate to extend the concession of regular bail to the petitioner.

9. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

September 08, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*