



CRM-M-30942-2025

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

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**CRM-M-30942-2025
Decided on : 01.12.2025**

Vikas @ Vickey

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the petitioner in case FIR No.234 dated 27.07.2023, registered under Sections 323, 34, 506 IPC (Sections 307, 302 IPC added lateron), at Police Station Gohana Sadar, District Sonipat.

2. Brief facts as per the prosecution case are that on 20.07.2023, due to some altercation, the petitioner alongwith co-accused Vijay and Anup inflicted kick and fist blows to the complainant and also threatened to kill him. Hence, the present FIR.

3. Earlier the FIR was registered under Sections 323 and 506 IPC and the petitioner was granted the concession of regular bail vide order dated 24.11.2023, passed by the Additional Sessions Judge, Sonipat. However, the



complainant died due to the said injuries on 26.12.2023, hence Section 302 IPC was added in the array of offences and the prosecution moved an application for cancellation of bail of the petitioner which was allowed vide order dated 18.11.2024 and the petitioner was taken into custody.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that the occurrence is of 20.07.2023 and the FIR was lodged and the medical of complainant was conducted on 27.07.2023, as such there is delay of 07 days in lodging the FIR and medical of complainant, which makes prosecution version highly improbable. Learned counsel contends that the postmortem report coupled with medical history clearly shows that no offence under Section 302 IPC is made out in the present case. Learned counsel further contends that there is no evidence to show that the petitioner was even present at the spot. If the prosecution version is to be believed even then only fist and kick blows have been attributed to the petitioner and no weapon was used in the occurrence. He further contends that there is no material evidence to show that the complainant died due to the injuries caused by the petitioner as the deceased was habitual of taking liquor and due to the said reason he died on 26.12.2023 i.e. after five months of alleged occurrence. The petitioner is in custody since 19.11.2024. The investigation in the case is complete, challan stands presented and charges have been framed. Learned counsel further submits that out of 22 prosecution witnesses, none has been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

5. Learned State counsel has filed the custody certificate of the



petitioner, which is taken on record. Learned State counsel has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He further submitted that as per the opinion of the doctor, Amit expired on 26.12.2023 due to Haemorrhagic Pancreatitis and this condition is due to initial injury, i.e. Traumatic Pancreatic transaction. He has further submitted that the petitioner is also involved in one more case meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that earlier the petitioner was granted the concession of regular bail and he was regularly appearing before the trial Court, he is in custody for 01 year 02 months and 24 days; the investigation in the case is complete, challan stands presented; charges have been framed; out of 22 witnesses, none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment



of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the above, 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. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

01.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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