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

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CRM-M-32930-2025 (O&M)

Date of decision: 09.09.2025

Rohit**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Prince Pal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 647 dated 30.06.2023, registered under Sections 346, 302, 201 and 120-B of IPC at Police Station Sadar Karnal, District Karnal. The previous petition, bearing **CRM-M-64749-2024**, was dismissed by this Court on 15.02.2025.

2. The petitioner along with the co-accused Tamanna is facing trial for commission of aforementioned offences on the allegations that he was having an affair with co-accused Tamanna, who was sister-in-law of the victim Azam. On 29.06.2023, he had committed murder of the victim as the latter had seen him and Tamanna in an objectionable condition. The previous

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petition as filed by the petitioner had been dismissed by making the following observations:

“6. The petitioner by hatching a conspiracy with the co-accused is alleged to have committed the murder of the victim by extending several injuries to him. The case of co-accused is not at the similar footing. The trial is going on and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature of the subject offences, the role attributed to the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

3. It is argued by learned counsel for the petitioner that after dismissal of his previous petition, there is a substantive and material change in the circumstances, which is in the form of examination of three material witnesses. These witnesses, who are family members of the deceased, have not supported the prosecution version and have turned hostile before the trial Court while recording their respective sworn depositions. It is submitted that none of them has implicated the petitioner in commission of murder of the victim and has stated that the petitioner was having any love affair with the co-accused Tamanna and hence had any motive to kill the victim. It is, therefore, urged that in view of the substantive change that has come on record in view of sworn depositions of the material witnesses, he deserves to be released on bail.

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4. Learned State counsel, on the other hand, while refuting the contentions as raised by the petitioner's counsel, has submitted that the previous petition of the petitioner was dismissed on merit. No new ground is made out for allowing the present petition. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The previous petition of the petitioner was dismissed on 15.02.2025. Thereafter, the complainant Kamaluddin and two other material witnesses, who are family members of the deceased namely Gupfar and Afsana, have been examined as PW-2, PW-3 and PW-4, respectively. Copies of their statements have been placed on record as Annexures P-5 to P-7. A perusal of the same reveals that none of them had implicated the petitioner in the commission of offence of murder of the victim. They denied that the petitioner was having any illicit relations with co-accused Tamanna and in connivance with her had committed murder of the victim. The trial is still likely to take time as other witnesses are yet to be examined. The petitioner is in custody since 05.07.2023. Keeping in view the nature of the evidence that has come on record, the period spent by the petitioner in custody which is more than 02 years and 02 months, the fact that there is no eyewitness to the murder of the victim and the attendant facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing

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personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>