



CRM-M-35370-2025

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

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**CRM-M-35370-2024
Decided on :14.07.2025**

Vijay

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kapil Aggarwal, Advocate for the petitioner.

Mr.Ashok S. Chaudhary, Add. A.G., Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.669 dated 09.11.2022, under Section 302 IPC (Section 34 IPC added later on), registered at Police Station Industrial Sector 29 Panipat, District Panipat.

2. It is contended that, as per the FIR, the deceased Ashok left his house on 08.11.2022. On the next day, i.e., 09.11.2022, upon receiving information about the dead body of the deceased Ashok, an FIR was registered at the instance of Raju, who is the uncle of the deceased.

Two days thereafter, i.e., on 11.11.2022, statement under Section 161 Cr.P.C. of Manju Devi (wife of the deceased Ashok) was recorded. In her statement, it was alleged that on the morning of 08.11.2022, the petitioner Vijay and his co-accused, namely Navratan, came to the house and called her husband. She, along with her mother-in-law, noticed that these two accused took her husband away with them. It was stated that the deceased had gone on his motorcycle. At around 10:00

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p.m., they noticed a motorcycle stopped in the lane, and then the petitioner and co-accused left. Despite being asked to stop, they did not comply and left. The following morning, they heard about the dead body of Ashok lying near the drain in the fields.

Learned counsel for the petitioner argues that these facts were brought to the notice of the prosecution after being concocted, and that too only on the third day after the morning of 08.11.2022, when the deceased left home. The FIR itself does not allege that the deceased left the house along with the motorcycle. It is further submitted that the recoveries were subsequently planted.

At best, the prosecution's case is based on circumstantial evidence, yet there is no direct evidence to support the version. There is also no explanation as to why it took three days for the widow and mother of the deceased to give their statements before the police regarding these allegations. Counsel also submits that out of total 22 prosecution witnesses, none has been examined till date. In light of the prolonged custody and the slow progress of the trial, counsel prays for the grant of regular bail.

3. On the other hand, learned State counsel while opposing the prayer for bail submits that petitioner is involved in a serious offence and has been lastly seen going away with the deceased therefore the involvement is very much found to be there and has been rightly challaned by the police. Thus, prays for dismissal of the present petition.



4. Heard learned counsel for the parties and perused the material available on record. Considering that the case is based on circumstantial evidence and that the trial appears to be progressing slowly, the conclusion of the trial is likely to take a considerable amount of time. It is also noticed that there has been an unexplained delay of three days in recording the statements of the widow and mother of the deceased, which raises questions about the veracity and timing of the allegations. Additionally, it is noticed that the petitioner is not involved in any other criminal case

All these aspects, including the veracity of the prosecution's case, shall be considered during the course of the trial upon completion of evidence. At this stage, this Court is of the considered view that the matter warrants consideration for the grant of regular bail.

This Court is also of the view that the petitioner deserves an opportunity for rehabilitation and reintegration into society. Therefore, without expressing any opinion on the merits or the quality of the evidence collected by the prosecution, and primarily considering the petitioner's prolonged incarceration, the slow progress of the trial, and the non-examination of material witnesses, this Court is of the considered opinion that the petitioner's personal liberty cannot be curtailed indefinitely.

5. Considering the aspects and circumstances, prayer made in the present petition is allowed. Petitioner is ordered to be released on

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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.

6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

8. Petition stands disposed of.

9. Pending application(s), if any, shall stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

14.07.2025*Rashmi**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*