



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

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**CRM-M No.33566 of 2025
Date of decision : 7.7.2025**

Jaswinder @ Jaswant**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Karan Singh, Advocate, for the petitioner
Mr. Vikram Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.178 dated 14.10.2023 under Sections 302, 323, 325, 34, 506 of the IPC, registered at Police Station Siwan, District Kaithal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Phool Chand son of Diwan Chand, Resident of Polar, aged 62 years, Mobile No. 92888 36451. Stated that I am Resident of above mentioned address and doing the labourer work. I have 3 sons and 2 daughters. My 2 sons and 1 daughter are married. On dated 30.09.2023 at about 9:30 P.M., i was returning back home after completing my work. Dhanpat son of Diwan Singh, Jaswinder son of Dhanpat (present Petitioner), Naisho @Naresh son of Dhanpat, Prem wife of Dhanpat, Ravi son of Karnail, Residents of Polar were standing in street near to his house. i asked them why they all are standing here? It is late time and i asked them to go home? On asking this, Jaswinder who was having



wooden Binda in his hand gave blow upon my left leg several times and others gave kick and fist blow and abused met. On account of this, I became unconscious and fell down. Mys wife namely Raj and My son namely Jaggi came at the spot and they saved him. All accused persons threaten to kill him and fled away from the spot along with their weapons. Till date, I am taking treatment. I am in Landmark Hospital, Chandigarh for the injury caused to me in the scuffle. Above mentioned accused person caused injuries to me without any reason. Legal action should be taken against accused persons. I have got recorded my statement in presence of my family in the Hospital at Chandigarh. I have heard and understand which is correct. I have presented MLR to you. Applicant L.T.I. Phool Chand.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.10.2023. Learned counsel has further argued that the petitioner has been falsely implicated on account of party faction in the village. Learned counsel has further submitted that the alleged injuries were caused to the deceased on 30.9.2023 whereas he passed away on 19.10.2023 and, therefore, the issue of animus as also the actual cause of death would be an issue debated upon during the course of trial. Learned counsel for the petitioner has further submitted that the son of deceased when examined as a prosecution witness, had not supported the prosecution case. It has been further iterated that the petitioner is a man of 23 years of age & has no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further argued that the deceased had made an



inculpatory statement against the present petitioner on 13.10.2023. Learned State counsel seeks to place on record custody certificate dated 4.7.2025 in Court, 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 20.10.2023 whereinafter investigation was carried out and challan stands presented on 1.2.2024. Total 21 prosecution witnesses have been cited out of which 3 have been examined till date. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question on account of such party faction as also the weightage/veracity required to be attached to the evidence brought on record by the prosecution; are issues of contentious nature which are essentially required to 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. As per custody certificate dated 4.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, eight months and fourteen days & is not shown to be involved in any other case.

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 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

7.7.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No