



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-34183-2025
Date of decision: 09.09.2025

ROHITPetitioner
Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Mandeep Singla, Advocate for
Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. Pawan Kumar 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
ROHIT	1	02.01.2021	302, 323, 34, 216 of IPC (Sections 148 and 149 of IPC were deleted during investigation and Sections 216 and 34 of IPC were added later on)	Sadar Rewari	Rewari

2. Learned counsel for the petitioner contends that petitioner has been in custody since 04.01.2021, amounting to a period of approximately 4 years and 8 months. Out of total 22 prosecution witnesses, only 09 have been examined till



date, and conclusion of the trial is likely to take considerable time.

3. While addressing the arguments on facts, learned counsel for the petitioner submits that FIR was lodged at the instance of Jaswant Singh (father of the deceased), who received information about the incident from the eye-witnesses, namely Suman Devi (mother of the deceased) and Mamta (wife of the deceased). As per the allegations contained in the FIR, accused persons—(1) Pawan, (2) Rohit (petitioner herein), (3) Rahul, (4) Nikhil, (5) Sahil, and (6) Ashish, allegedly assaulted the deceased, Amit, using bricks, *lathis*, and *dandas*.

4. It is further submitted that after completion of the investigation, accused Pawan and Nikhil were found to be innocent and were accordingly placed in Column No. 2 of the final report. Counsel contends that case of the petitioner, as well as that of the remaining accused, cannot be distinguished from that of Nikhil and Sahil, as all were assigned a similar role in the commission of the alleged offence.

5. Learned counsel for the petitioner further submits that the material witnesses, namely Suman Devi and Mamta, have already been examined as PW-9 and PW-8, respectively, on 14.05.2025. Although both witnesses have supported the prosecution's case, counsel contends that role attributed to the petitioner in the FIR cannot be subsequently improved upon. However, the final determination of the petitioner's role remains within the domain of the trial Court and is yet to be adjudicated at the final stage of the proceedings.

6. Learned counsel for the petitioner lastly submits that the instant petition is the first case against the petitioner, as no other case of whatsoever nature has ever been registered against him.



7. Learned counsel for the petitioner further submits that, it is relevant to point out that one of the co-accused, against whom charges have been framed under Section 216 of the IPC, has already been granted bail by this Court.

Since the allegation in the FIR is a common one, that the accused Pawan, Rohit (petitioner herein), Rahul, Nikhil, Sahil, and Ashish assaulted the complainant's son with bricks, lathis, and danda, and since Ashish alias Ashu has already been granted bail by this Court vide order dated 22.05.2025 in CRM-M-10893-2025, the petitioner's right to seek the concession of bail stands on equal footing. Therefore, on the principle of parity, he is also entitled to the same benefit.

8. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 08.09.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has already been handed over to the counsel for the petitioner.

9. Learned State counsel, while opposing the prayer for bail and submissions advanced by learned counsel for the petitioner, submits that petitioner is involved in a serious offence of murder, and his case cannot be treated differently from that of the other co-accused for the purpose of considering the present bail plea. However, State counsel is unable to controvert the other factual aspects as submitted by the petitioner's counsel.

10. This Court has considered the submissions advanced by learned counsel for the parties and has examined the record available on file. It is evident



that the trial is proceeding at a very slow pace, and for such delay, particularly when the role of the accused is yet to be finally ascertained, liberty of an individual cannot be curtailed indefinitely.

11. The petitioner has been in custody since 04.01.2021, and delay in conclusion of the trial cannot be attributed to him. Furthermore, the material witnesses have already been examined, and appreciation of their testimony is a matter to be determined by the trial Court at the appropriate stage.

13. In view of the above and considering the petitioner’s plea to be genuine at this stage, this Court deems it just and appropriate to grant concession of regular bail to the petitioner.

14. 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.

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

16. Any of the discussion done and recorded here above, 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.

17. Petition stands disposed of.

09.09.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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