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

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Date of decision: 26th November, 2025

Sarjeet alias Jita

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Shubham Kaushik, Advocate for the petitioner.

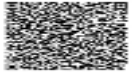
Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail pending trial to the petitioner in case FIR No. 405 dated 13.07.2023 registered under Section 302 of the Indian Penal Code at Police Station Adampur, District Hisar.

2. Brief facts as per the prosecution case are that the petitioner murdered his brother Mahavir by giving a *danda* blow on his left ear, due to a dispute over grazing of cattle. Hence the present FIR.

3. Learned counsel for the petitioner argues that the petitioner has been nominated as an accused in the FIR on the basis of statement of complainant namely Jasram alias Jassa, who is also the sole eye witness of the alleged offence. He argues that as per prosecution version, the petitioner gave *danda* blow to the deceased Mahavir on his left ear but as per post



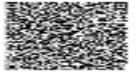
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mortem report, the cause of death is injury upon right Axillary region as well as over Right Parieto Occipital region of deceased, which itself is contradictory, casting serious doubts on the prosecution story. It has also been contended that the complainant/sole eye witness along with material witnesses have turned hostile. To lend force to his contention, he has drawn the attention of this Court to the statement of PW-1 to PW-3 (material witnesses) made before the trial Court, wherein none of them have supported the case of the prosecution. He further submits that the petitioner has clean antecedents as he is not involved in any other case and he is in custody since 14.07.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 14 prosecution witnesses and out of which, only 09 have been examined till date and as such, the 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.

4. On the other hand, learned State counsel has filed the status report, which is taken on record and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner, vide his disclosure statement has got the weapon of offence recovered. However, she has not controverted the fact that the material witnesses have turned hostile and that the petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody



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for last more than 02 years; he has clean antecedents, investigation is complete; challan stands presented; charges framed; complainant and other material witnesses have not supported the case of the prosecution before the trial Court; out of 14 witnesses, only 09 have been examined till date and the trial may take a long time to conclude, no useful purpose would be served by detaining him 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.

6. 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 the 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 her 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*".

7. 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.

(RUPINDERJIT CHAHAL)
JUDGE

26th November, 2025

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No