



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

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**CRM-M No.41210 of 2025  
Date of decision : 12.8.2025**

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

Present: Mr. Rakesh Kumar Lathwal, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, Haryana

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**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.493 dated 24.9.2023, under Sections 304(II) of IPC and Section 25/27/29 of Arms Act, 1959 added later on (Section 302 of IPC deleted later on), registered at Police Station Kharkhoda, District Sonipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*'To, SHO Sir, Police Station Kharkhoda, Sir, requested that I am Manoj son of Partap Singh and I am resident of village Rohna. Today I had gone to village Hasangarh for domestic work. That at about 02:00 P.M, Balbir son of Ram Kishan, resident of Rohna informed me that my daughter Khusboo had sustained bullet injury and has been shifted to the hospital. Thereafter, at about 03:00 P.M, I reached at hospital, where Rahul son of*



*Lakhmi, his wife Mausam, Shishpal son of Jamin, residents of village Rohna met him and they have informed me that my daughter Khushboo had died due to bullet injury. Thereafter, I inquired the matter from my wife Santosh, who disclosed that Vishal @ Gullu son of Surender had fired a gun shot. That Vishal fired gunshot upon my daughter. I requested to take the legal action against him. Complainant RTI, Manoj son of Partap Singh, resident of Rohna. xxxx''*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 5.9.2023. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution witnesses namely PW-Manoj (father of the deceased, FIR-complainant) and PW-Santosh (mother of the deceased) have turned hostile and thus the trial is not likely to be culminated into conviction. Learned counsel has further argued that the petitioner is a young man aged 26 years with 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 seeks to place on record custody certificate dated 10.8.2025 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 25.9.2023 wherein after investigation was carried out and challan in the case stands presented on 20.11.2023. It is not in dispute that the FIR initially was registered under



Section 302 of IPC but the concerned Court has arraigned the present petitioner as an accused in respect of the offence under section 304-II of IPC only. Total 24 prosecution witnesses have been cited out of which only 10 have been examined till date. It is thus indubitable that the trial will take its long time. The rival contentions raised at Bar, including the weightage required to be attached to the testimonies of hostile witnesses PW-Manoj and PW-Santosh; shall be gone into 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 10.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, ten months and thirteen days & is stated to be not 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/Illaq 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

12.8.2025  
*Ashwani*

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |