



the petitioner is in custody for the last more than 01 year and 07 months; he is having clear and clean antecedents as he is not involved in any other case except the present one; the witnesses are not coming forward to depose and their non-bailable warrants have been issued by the trial Court. Learned counsel placed on record the *zimni* orders dated 11.08.2025, 12.08.2025, 09.09.2025, 10.09.2025, 26.09.2025 and 09.10.2025. Learned counsel further contended that both the eye witnesses also tendered their affidavits submitting therein that the petitioner intervened to stop the fight and was not involved in the fight. As such, learned counsel prayed for bail.

3. Learned State counsel produced custody certificate of the petitioner, which is taken on record. Learned State counsel opposed the prayer made by the petitioner and on instructions from ASI Irshad Ali, submitted that the petitioner actively participated in the occurrence; he along with other co-accused caused fatal injuries to the deceased, who died due to those injuries, as per the Medico-Legal Report (MLR) and Post-Mortem Report (PMR) and prayed for dismissal of bail petition.

4. Heard.

5. Keeping in view the contentions of learned counsel for the petitioner that main allegation is against co-accused, namely, Akshay, who gave baseball bat blow to the deceased, which proved fatal as per the Medico-Legal Report (MLR) and Post-Mortem Report (PMR); the fatal injury, which was given by baseball bat, which was also got recovered on the disclosure statement made by co-accused Akshay; petitioner is in custody since 01.04.2024 i.e. for the last more than 01 year and 07 months; trial will take sufficient time to conclude as eye witnesses are not appearing before the Court



and their arrest warrants are being issued; no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both parties and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner. Petitioner is directed to abide by the conditions as envisaged under Section 437(3) Cr.P.C.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

7. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

November 26, 2025
manisha

(SUBHAS MEHLA)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |