



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236

CRM-M-51738-2024 (O&M)
Date of Decision:- 12.05.2025

RAHUL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Anil Kumar Malik, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
92	28.05.2023	302, 323, 34 IPC	Bajghera, District Gurugram

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner and during course of trial, all the material witnesses have been examined by the prosecution including the alleged eye-witness, who have not lent any support to the case of the prosecution. He submits that the petitioner is in custody since 15.01.2024 and after the completion of investigation, challan has been



presented in Court, wherein the prosecution has cited 28 witnesses out of which 17 witnesses have been examined and the remaining witnesses are formal witnesses. He further submits that the case of the petitioner is at par with co-accused Neeraj, who has been granted the concession of bail by this Court vide order dated 01.10.2024 passed in CRM-M-35872-2024 (Annexure P-1). Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner had actively participated in the commission of offence. He has however, not disputed the fact that all material witnesses have been examined by the prosecution, who have not lent any support to the case of prosecution against the petitioner and that the case of the petitioner is at par with that of co-accused Neeraj, who had been granted the concession of bail (*supra*).

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the allegations, the petitioner along with co-accused Neeraj allegedly gave beatings to the father of the complainant and also one Suraj, as a result of which, the father of the complainant namely Rajbir had expired. The petitioner was arrested on 15.01.2024 and since then he is in judicial custody. Admittedly, during course of trial, the prosecution has examined all the material witnesses namely complainant-Vij Nandan son of deceased as PW-2, Madan Paswan as PW-3, Cheena PW-6, daughter-in-law of the deceased, Suraj Paswan injured as PW-7 and Vijay Paswan as PW-8,



who have not supported the case of the prosecution and turned hostile. Admittedly there is no other material witness to connect the petitioner with the alleged crime left to be examined. As stated above, the remaining witnesses happen to be formal witnesses. Admittedly, the case of the petitioner is at par with co-accused Neeraj, who had been granted the concession of bail by this Court (*supra*), therefore, no purpose would be served by detaining the petitioner in custody any longer. Moreover, the conclusion of trial to ascertain the criminal liability, if any, of the petitioner is likely to take some more time.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No