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

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Date of Decision: 19.11.2025

Ram Janam Mukhiya

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Chander Shekhar Sharma, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

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 to the petitioner in case FIR No.33 dated 06.07.2024 registered under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Kabirpur (Ahlikalan), District Kapurthala.

2. Brief facts as per the prosecution case are that the petitioner attacked and murdered one Raghunath Mukhiya (son of the complainant) due to some verbal argument. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner has no connection with the alleged crime. He submits that the complainant and other material witnesses have not supported the case of the prosecution and have been declared hostile. To lend force to his contention,

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he has drawn the attention of this Court to the statement of the complainant-Bhraspati Mukhiya (father of the deceased) (Annexure P-3), statement of eye-witnesses i.e. Sonam Mukhiya (Numberdar) (Annexure P-4) and Gagan Mukhiya (Annexure P-5), made before the trial Court wherein none of them have supported the case of the prosecution and identified the petitioner to be the person who had not caused injuries to the deceased-Raghunath Mukhiya. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 09.07.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 24 prosecution witnesses and out of which, only 03 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 and custody certificate of the petitioner, which are taken on record and while referring to the status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner has committed heinous crime of murder of Raghunath Mukhiya (son of the complainant) and does not deserve any concession from this Court. However, he has not controverted the fact that the material witnesses have been declared hostile and that the petitioner is a first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after



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perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 year and 04 months; 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 and have turned hostile before the trial Court; out of 24 witnesses, only 03 have been examined till date; the trial is proceeding at snail's pace, and will 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 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.

19.11.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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