



259-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-53359-2024  
Date of decision:-21.05.2025

PAWAN  
Versus  
STATE OF HARYANA

... Petitioner  
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:-     Mr. Sanjiv Kumar Tada, Advocate, for the petitioner.  
                    Mr. Vipul Sherwal, AAG, Haryana.  
                    Mr. Ashish Verma, Advocate for the complainant.

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SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioners under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-2):-

| FIR No. | Dated      | Sections                                             | Police Station                     |
|---------|------------|------------------------------------------------------|------------------------------------|
| 297     | 29.10.2023 | 147, 148, 149, 212, 216, 302, 323, 341, 427, 506 IPC | Nathu Sarai Chopta, District Sirsa |

2. Arguments heard.
3. 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 has no concern whatsoever with the allegations levelled in the FIR. The petitioner has been nominated on the alleged disclosure statement of co-accused Mahendra, Kuldeep and Lakhan being the member of unlawful assembly, however, no specific overt act is attributed to the petitioner nor is



he alleged to have given any fatal injury to the deceased that only danda blow is attributed without specifying the part of the body where it landed. The petitioner is in custody since 07.12.2023 and is having no criminal antecedent. The conclusion of trial will take sufficient long time, hence prayed for grant of bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have opposed the bail petition by arguing that the petitioner being the member of unlawful assembly had attacked the deceased with their respective weapons, leading to his death, therefore, considering the serious nature and gravity of offence, petitioner is not entitled to concession of bail. Hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner has been nominated in the disclosure statement of co-accused Mahendra, Kuldeep and Lakhan, as per allegations, petitioner has given danda blow to injured Jaibir. Admittedly no specific overt act is attributed to the petitioner nor the alleged injury attributed to the petitioner is on the vital part of the body nor fatal in any manner. The petitioner is in custody since 07.12.2023, since then he is in custody, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 44 witnesses and till date only 2 witnesses have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such, no purpose would be served by detaining petitioner in custody any longer.

6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered



to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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 the evidence of the prosecution in any manner.

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

8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)  
JUDGE

21.05.2025  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |