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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53575-2025
Decided on : 11.12.2025

AKASHDEEP SINGH ALIAS JOBAN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sumeet Singh Brar, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Akashdeep Singh @ Joban	70	07.02.2022	302, 34 of IPC (section 455, 201 of IPC added later on). However, charges were framed u/s 449, 302, 201, 34 of IPC	Rania	Sirsa

2. Learned counsel for the petitioner contends that, as per allegations in the FIR, on 07.02.2022 at about 8:00 A.M., complainant, Balveer Kaur (sister of the deceased Balveer Singh @ Bagga), noticed the dead body of her brother lying face-down on the floor with multiple



injuries on his head, and body was smeared with blood. Accordingly, police was informed, and FIR was registered.

It is further submitted that on 09.05.2022, complainant was again associated with the investigation and produced before the Court of the Illaqa Magistrate, Ellanabad, where her statement under Section 164 Cr.P.C. was recorded.

3. Counsel for the petitioner argues that petitioner is in custody since 11.03.2022, solely on the basis of this statement recorded under Section 164 Cr.P.C., that too, by the sister of deceased after a delay of three months. He further points out that out of total 22 prosecution witnesses, only 3 have been examined till date. Thus, culmination of trial is likely to take considerable time.

4. On 21.11.2025, after hearing counsel for the petitioner, following order was passed by this Court:-

“During the course of hearing, it is argued by learned counsel for the petitioner that the incident in question took place during the intervening night of 6/7.02.2022 and dead body lying in the pool of blood was noticed by the complainant–Balveer Kaur, the next morning at 8.00 a.m. on 07.02.2022. The deceased Balveer Singh @ Bagga, aged 42 years was related as brother of the complainant. As per FIR, no doubt was raised against anybody for causing murder.

It is after a period of more than one month i.e. 09.03.2022, when the complainant- Balveer Kaur was produced before the Magistrate for recording of her statement under Section 164 Cr.P.C. She appeared as eye witness and disclosed that there are two accused namely Akashdeep Singh @ Joban, aged 19 years and Rahul Singh (facing proceedings before the Juvenile Court), who murdered her brother.

With regard to delayed statement, learned State counsel submits that the complainant was threatened and, thus, being apprehensive never came forward for giving actual story of the incident.



Let status report, detailing therein the sequence of events right from the time to registration of the FIR alongwith relevant documents be filed.

List on 11.12.2025.

To be shown in the urgent list.”

5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 09.12.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 03 years 08 months and 29 days period inside jail and there is no other case registered against him.

6. Learned State counsel has also filed status report dated 10.12.2025 in Court today, which is taken on record.

7. Referring to paragraph No.6 of the status report, learned State counsel submits that statement of the complainant Balveer Kaur under Section 164 Cr.P.C. was recorded on 09.05.2022 (though it has been incorrectly mentioned as 09.03.2022 in the status report).

For reference, statement of Balveer Kaur recorded under Section 164 Cr.P.C., as mentioned in paragraph No.6 of the status report, is reproduced here under:-

“It was about one month two days ago, there was marriage of Vicky in our neighbourhood. I and all those kids were at the wedding. At around 10:30 pm, I started coming back after singing songs, then I thought of asking my brother for dinner, as on that day he has not come to take food. He was taking wine, so his wife left him. Sometimes he would cook himself and sometimes he would eat with me. When I went inside the house, I saw that Rahul & Joban had put my brother down. Joban held his mouth and Rahul



had a half-hand-sized circle type weapon in his hand and he was hitting with it to Bagga. I rushed and saw it and asked what are you doing this. Both of them said you may go quietly else we will do this with you. And threatened to kill m if tell to anyone. I become scared and returned home. I become nervous. In the morning saw my brother was in stained of blood and he was dead. Then we called Sarpanch and he informed to Police Chowki. Due to fear I did not tell everything to anyone, as I was scared Due to fear I got written that neither Bagga quarreled with any one nor has any dispute. I apprehend danger from Rahul & Joban. I have to say nothing."

8. Learned State counsel submits that although, petitioner is not found involved in any other case, but he is implicated in the present matter concerning the commission of a heinous offence.

It is argued that testimony of the complainant is yet to be recorded, and if petitioner is granted the concession of regular bail, he may threaten or pressurize the complainant and attempt to hamper or tamper with the prosecution evidence. Hence, present petition deserves to be dismissed.

9. At this stage, counsel for the petitioner refers to the zimni orders appended with the present petition and submits that none of the prosecution witnesses are coming forward to support the prosecution version.

He further points out that even the complainant, who is sister of the deceased, recorded her statement after an unexplained delay of more than three months from the date of the incident and has not appeared to depose or support the prosecution case. Thus, counsel prays that petitioner be granted regular bail in the present case.



10. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available, including the *zimni* orders appended with the present petition and status report filed by learned State counsel.

11. As per custody certificate, petitioner was arrested on 11.03.2022 and has already undergone an incarceration period of approximately 3 years and 9 months. Petitioner is not found involved in any other similar activity in the past, as no other criminal case is registered against him.

Undisputedly, out of total 22 prosecution witnesses, only 3 have been examined, till date, and therefore, conclusion of the trial is likely to take considerable time. Even complainant, who is sister of the deceased and whose testimony is crucial for bringing the truth on record, has not appeared to depose.

12. This Court is of the opinion that on account of lapses on the part of prosecution or its witnesses, petitioner cannot be compelled to remain in custody for an indefinite period, especially when he has already undergone substantial incarceration. Therefore, in view of totality of the circumstances, nature of allegations, and the factors noticed here above, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief



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Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

13. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

14. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.12.2025

Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO