



CRM-M-54528 of 2025

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

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CRM-M-54528 of 2025
Date of Decision: 04.12.2025

Satish Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

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.380 dated 17.08.2024 registered under Sections 103(1), 109(1), 115(2), 118(1), 126(2), 190, 191(3) and 351(2) (3) of the Bharatiya Nyaya Sanhita, 2023, at Police Station City Fatehabad, District Fatehabad.

2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with other accused, who were armed with weapons, attacked one Sandeep (son of the complainant) due to previous enmity, as a result of which, he died.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner

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was neither named in the FIR, nor has any concern with the said offence. He further argued that name of petitioner has been roped in during investigation on the basis of disclosure statement of co-accused. Apart from the disclosure statement, there is not even an iota of evidence to connect the petitioner with the alleged crime and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. It has also been contended that the complainant has died and Gora Devi-wife of the complainant, who is the mother of deceased and one eye witness Vishal has turned hostile. To lend force to his contention, he has produced the statement of Gora Devi and Vishal, made before the trial Court wherein none of them have supported the case of the prosecution and have not identified the petitioner to be the person who caused injuries to the deceased- Sandeep. He further argued that if the prosecution version is believed to be true, even then the petitioner had given only stick blows to the deceased. The petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Sagar alias Billar has already been granted the concession of regular bail by this Court, vide order dated 26.11.2025. The petitioner is in custody since 04.09.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 40 prosecution witnesses and out of which, only 04 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, who has appeared on advance notice of the petition, has already filed the status report in the



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matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner has actively participated in the crime. He further argued that the weapon of offence has been recovered on disclosure statement of the petitioner. However, he has not controverted the fact that Gora Devi and Vishal have turned hostile and that the petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 year and 02 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 not identified the petitioner before the trial Court; the trial is proceeding at snail's pace; out of 40 witnesses, only 04 have been examined till date; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, 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 his 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*".

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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.

04.12.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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