

2025:PHHC:013984



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

315

CRM-M No.58299 of 2024
Date of Decision: 29.01.2025

Jatin ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Munish Behl, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
521	13.11.2023	Parao Ambala Cantt, Distrit Ambala	186, 302, 332, 34 and 353 of IPC

2. The petitioner has been booked for commission of aforementioned offences on the allegations that on the intervening night of 12/13.11.2023, he along with the co-accused had assaulted the victim Rajbir Singh with intention to cause his death. The victim has succumbed to the injuries. The petitioner and co-accused were arrested on

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15.11.2023. Initially a case under Section 302 of IPC was registered but this offence was deleted subsequently and offence under Section 304 of IPC was added.

3. It is argued by learned counsel for the petitioner that he is in custody for a period of about one year and two and half months. The complainant and eye-witness have since been examined and have not implicated the petitioner in the commission of the subject offences. Apart from the evidence of these two witnesses, no other evidence had been collected by the prosecution to connect the petitioner with the subject crime. His further detention would not serve any useful purpose. The trial is likely to take time. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana while considering the fact that the complainant and the only eye-witness have not supported the prosecution version has urged that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have caused injuries to the victim while having an altercation with him on the fateful night. The victim had succumbed to his injuries. The eye-witness Usman @ Babu has been examined by the prosecution as PW-1. Copy of the sworn deposition of this witness has been placed on record as Annexure P-3

which shows that he did not implicate the petitioner in commission of the

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subject offence and stated that he was not the assailant of the victim. Similarly, PW-2 i.e. the complainant has also not implicated the petitioner in commission of the offence for which he is facing trial. Keeping in view the nature of the evidence which has come on record in the forms of statements of the above discussed two material witnesses, the period spent by the petitioner in incarceration coupled with the fact that the trial is likely to take time, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.01.2025
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(MANISHA BATRA)
JUDGE

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