



CRM-M-56811 of 2025

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

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Date of Decision: 02.12.2025

Narender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. J.P. Sharma, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, 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.116 dated 08.10.2024 registered under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Nizampur, District Mohindergarh.

2. Brief facts of the present case are that the petitioner in connivance with other co-accused murdered one Mukesh (husband of the complainant), due to some altercation between them.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argues that the complainant and her brother-Santosh Kumar were not present in the village when the incident took place and are not the eye-witnesses, hence, their version is not reliable. He further argues that complainant and other material

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witness have not supported the case of the prosecution and have been declared hostile. To lend force to his contention, he has drawn the attention of this Court to the statement of the complainant-Saroj Devi Lal (Annexure P-2) and statement of Santosh Kumar (brother of the complainant) (Annexure P-3), made before the trial Court wherein none of them have supported the case of the prosecution. He further submits that there is no mensrea established as the deceased was brother of the petitioner and there was no dispute between them. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 11.10.2024 and nothing is to be recovered from him. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 22 prosecution witnesses and out of them, only 10 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 already filed the status report in the 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. She argues that the petitioner was involved in the heinous crime of murder of Mukesh (husband of the complainant) and has actively participated in the crime. She further argues that the weapon (axe) used in the crime was recovered from co-accused Ramswaroop. However, she has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.



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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 01 month; investigation is complete; challan stands presented; charges framed; complainant and other material witness have not supported the case of the prosecution and declared hostile, out of 22 witnesses, only 10 have been examined till date; the complicity of the petitioner is a matter of trial; the trial is proceeding at snail's pace, 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*".

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.

(RUPINDERJIT CHAHAL)
JUDGE

02.12.2025

D.Bansal

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