



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-63071-2024  
Date of decision:-03.03.2025

SHAHROUKH KHAN  
... Petitioner  
Versus  
STATE OF HARYANA  
... Respondent

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

Present:- Mr. Saurav Bhatia, Advocate for the petitioner.  
Mr. Vipul Sherwal, AAG, Haryana.

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SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023(BNSS), for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections     | Police Station                |
|---------|------------|--------------|-------------------------------|
| 0003    | 02.01.2024 | 302 & 34 IPC | Sadar Nuh, District Nuh-Mewat |

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 on the alleged extra judicial confession made by one Farukh son of Moju. He contends that the petitioner has never made any such confessional statement and even during course of trial said Farukh son of Moju has turned hostile vide statement (Annexure P-5). He contends that the material witnesses of the case have already been examined including PW-1 Janu son of Moju,



PW-2 Iklash son of Mubeen, PW-3 Sagoon son of Rukdas, PW-4 Farookh son of Moju, PW-5 Najim son of Isha, PW-6 Farookh son of Illiyas, PW-7 Haroon son of Majid, PW-8 Idrish @ Indra son of Ashru whose testimony has been placed on record as Annexure P-2 to Annexure P-9 respectively and all these material witnesses have not lent any support to the case of the prosecution. He contends that all these material witnesses on the other hand lent support to the defence version regarding the deceased being mentally ill and having committed suicide. He contends that the petitioner is in custody since 11.01.2024 and despite the examination of material witnesses, nothing could be brought on record by the prosecution against the petitioner and out of 32 witnesses cited by the prosecution only 10 witnesses have been examined till date. Hence prayed for grant of regular bail to the petitioner.

4. *On the other hand*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that there are allegations against the petitioner of having strangled his brother to death as such he does not deserve concession of bail. However, on query, he has not disputed the fact that all material witnesses have been examined by the prosecution who have not supported the case of the prosecution.

5. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered consequent upon the recovery of dead body of Shamshad son of Janu having rope mark around his neck, subsequently, during course of investigation the petitioner was nominated as an accused on the basis of alleged extra judicial confession being made to Farukh son of Moju and upon completion of investigation challan has already been presented in Court.



6. Admittedly, during course of trial the prosecution has examined the aforesaid prosecution witnesses PW-1 to PW-8 whose testimony has been annexed as Annexure P-2 to Annexure P-9 and the perusal thereof would reveal that none of the material witnesses have lent any support to the case of prosecution. On the contrary, they have admitted the defence version that the deceased was mentally ill and has committed suicide. The entire case of the prosecution rested on the testimony of PW-4 Farukh son of Moju whose testimony is placed as Annexure P-5, a perusal of which reveals that he has categorically denied having made any statement qua the extra judicial confession being ever given by the petitioner to him. All the material witnesses were declared hostile and allowed to be cross examined by the learned Public Prosecutor, however nothing substantial cropped up to lent any support to the case of the prosecution against the petitioner. These witnesses have on the contrary admitted the defence version that the deceased was mentally disturbed and might have committed suicide. It is evident from the reply submitted by the State that all the material witnesses have been examined, who have not lent any support to the case of the prosecution. The prosecution has cited 32 witnesses, till date only 10 witnesses have been examined including all material witnesses. The petitioner is not having any criminal antecedents. The conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining petitioner any longer.

7. Therefore, 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 evidence of prosecution in any manner.

- 8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)  
JUDGE

03.03.2025

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