



CRM-M-62134 of 2025

-1-

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

243

CRM-M-62134 of 2025
Date of Decision: 12.11.2025

Amit @ Bachhi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kunal Dawar, Sr. Advocate with
Mr. Saurav Bajaj, 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.92 dated 31.03.2025 registered under Sections 115(2), 3(5) and 103(1) of the Bharatiya Nyaya Sanhita, 2023 (Section 117(2) of the BNS added later on), at Police Station Shivaji Nagar, District Gurugram.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused, namely, Vikash and Praveen @ Vicky attacked one Sameer and Amit (brother of the complainant), as a result of which, Amit has died.

**CRM-M-62134 of 2025****-2-**

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that neither the petitioner was named in the FIR nor has any concern with the said offence and initially, the FIR was registered against unknown persons. He further argued that during investigation, co-accused Vikash and Praveen @ Vicky were arrested and the petitioner has been roped in the present FIR only on the basis of disclosure statement of co-accused Vikash. 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 and other material witnesses 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-Ajit (Annexure P-3), statement of Sunil Kumar (father of the deceased) (Annexure P-4), alleged injured eye-witness Sameer (Annexure P-5), 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-Amit. He further argued that even otherwise, as per the case of the prosecution, the petitioner had given only fist and kick blows to the deceased. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 04.04.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 27 prosecution witnesses and out of which, only 05 have been examined till date and as such, the trial will take a long time to



CRM-M-62134 of 2025

-3-

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. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner was involved in the heinous crime of murder of Amit (brother of the complainant) and has actively participated in the crime. However, she has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

6. 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 07 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 27 witnesses, only 05 have been examined till date and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further 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.

7. 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

**CRM-M-62134 of 2025****-4-**

bars, till his guilt is proved, for an indefinite period amounts to infringement of her 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*”.

8. 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

12.11.2025*D.Bansal*

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