

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.11.11.10.18.05.05



CRM-M-66698-2025 (O&M)
Date of Decision: 03.12.2025

DAVID ALIAS SIKANDAR ... PETITIONER
VERSUS
STATE OF HARYANA ... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Sandeep Lather, Advocate for the petitioner.
Mr. Vijay Kumar, AAG Haryana.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in FIR No.10 dated 13.01.2022, under Sections 302, 34 IPC and Sections 25, 54 of Arms Act, 1959 (Section 120-B IPC added later on) registered at Police Station City Safidon, District Jind.

2. As per the case of prosecution, some unknown boys had fired upon the brother of the complainant namely, Gaurav, who succumbed to the injuries. The name of the petitioner was emerged on the basis of the statement of the complainant. On investigation, a country made pistol has been recovered from the present petitioner.

3. A custody certificate dated 02.12.2025 filed by the State counsel has been taken on record. As per the custody certificate, petitioner has undergone actual custody for a period of 03 years, 09 months and 15 days.

4. Learned counsel for the petitioner submits that petitioner was not named in the FIR. It has also been argued that the eye witness, who is the brother of the deceased, has not supported the case of the prosecution. Apart from the recovery of weapon, there is no other evidence against the petitioner

5. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. Out of 32 prosecution witnesses, only 21 prosecution witnesses have been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. The petitioner has not been named in the FIR. The eye witness, who is the brother of the deceased, has not supported the case of the prosecution. Out of 32 prosecution witnesses, only 21 prosecution witnesses have been examined so far and 10 witnesses are still remaining. The conclusion of trial is likely to take some more time and continuous detention of the petitioner would not serve the ends of justice. Keeping in view the facts and circumstances of the present case, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. It is clarified that if on bail so granted through the instant order the petitioner is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

(H.S.GREWAL)
JUDGE

03.12.2025

Janki

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