



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

236

CRM-M-67086-2025 (O&M)
Date of decision: 04.12.2025

Ajay Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rajesh Bansal, Advocate for the petitioner

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.0304 dated 17.06.2024, registered under Sections 323, 302, 149 and 148 IPC (Sections 201, 34 IPC added and 148, 149 deleted later on) at Police Station Thanesar Sadar, District Kurukshetra.

2. Learned counsel contends that the petitioner has been in custody for 1 year and about 5 months. He alleges false implication in the case, though in the FIR, the solitary allegation against him is of having caught hold. The motive, even if there was any, was with the co-accused Anshul, whose mother, is stated to be having an affair with the deceased as per his disclosure statement. Co-accused Ravi Kumar, similarly circumstanced to the petitioner, has since been granted regular bail by this Court vide order dated 17.11.2025, Annexure P-3, after being in custody for 1 year and about 5 months. Charges have been framed on 04.12.2024, however, out of 28 prosecution witnesses, only 9 have been



examined. Reference is made to the order dated 29.10.2025 passed by the trial Court, wherein despite issuance ofailable warrants, the witnesses are not turning up. The petitioner is involved in 1 more case, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner of having caught hold the deceased. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being on bail in other case.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 4 months and 25 days; on bail in other case; co-accused is on bail; charges were framed on 04.12.2024, however, 19 more prosecution witnesses still remain to be examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

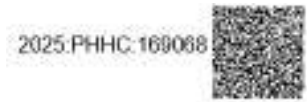


7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein



above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

04.12.2025
M.Kamra

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