



CRM-M-11170-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CRM-M-11170-2025
Decided on : 17.03.2026

KARNAIL SINGH ALIAS BUDHU
.....Petitioner
Versus
STATE OF HARYANA
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Karnail Singh alias Budhu, aged about 55 years	266	11.04.2024	323, 506 r/w 34 IPC, 302, 342 of IPC (added later on) 307 of IPC (deleted later on)	Indri	Karnal

2. FIR in the present case was registered at the instance of the complainant – Karnailo (mother of deceased – Shubham, aged 20 years), which reads as under:-



“I request that I am Karnailo, wife of Anil Kumar, resident of Bibipur Jatan, district Karnal, I have a son Shubham, aged 20 years. who works in a private factory. Today on 11-04-2024 at 9 o'clock, my son Shubham was taken away by Jafar son of Budhyu, resident of Bibipur Jatan, in the street and he was called and Jafar and his father beat my son and then came home and threatened me and went away threatening to kill my son and Jafar and his father beat my son with sticks, who beat my son in the street outside the victim's house and left him half dead and surrounded him and left him and fled from the spot with their sticks. When I saw my son, he was unconscious, whom I brought to Indri hospital by arranging a private vehicle with my brother-in-law's son, where the doctor Sahab referred my son to Karnal, then I took my son to Civil Hospital Karnal, then I took my son to Kalpana Chawla from where my son was referred to PGI, as my son's health deteriorated, Subham was admitted to Adesh Hospital Shahbad, please take legal action against Jafar and his father. I have presented the photo of MLR of my son Subham to you, Karnal 8930835751 dated 11-04-2024.”

3. On the very outset, learned State counsel has filed status report dated 16.03.2026 in the Court today and the same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

Copy of the same has already been supplied to counsel for the petitioner.

4. Counsel for the petitioner submits as follows:-

(i) From the allegations in FIR, it appears that complainant was not an eye-witness to the assault on Shubham (since deceased), who was admitted to the hospital due to injuries sustained in a fight with the petitioner's son, Bajrang Singh @ Jafar @ Vikram.

(ii) Initially, petitioner was not present at the spot and arrived later on a bicycle. Further, petitioner was unarmed at the time of incident, and therefore, it



cannot be presumed that he had any intention to inflict injuries or cause the death of Shubham.

(iii) Petitioner has no prior criminal record and has not been involved in any unlawful activities in the past.

(iv) As per the status report dated 16.03.2026, filed by learned State counsel, although some injuries were allegedly caused by both father and son, but it appears that a bamboo stick placed inside the house was used by the petitioner's son-Bajrang Singh @ Jafar @ Vikram, to inflict the fatal blow on Shubham.

(v) In the totality of circumstances, at this stage, it cannot be assumed that petitioner shared any common intention to commit murder, or he acted in connivance with his son, i.e. co-accused Bajrang Singh @ Jafar @ Vikram.

(vi) Charges in the present case were framed on 25.11.2024, and out of total 27 prosecution witnesses, only four have been examined, so far. Petitioner is in judicial custody since 13.04.2024, i.e., for a period of approximately 1 year, 11 months, and 3 days.

Thus, counsel prays that petitioner be granted the concession of regular bail in the present case.

5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 16.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 11 months and 03 days period inside jail and there is no other case registered against him.



6. Learned State counsel, while opposing the prayer and submissions of learned counsel for the petitioner, submits that a specific and active role has been attributed to the petitioner along with his co-accused. It is contended that petitioner, along with the co-accused, with a common object, caused serious injuries to the deceased with a *danda* and ultimately, murdered him.

Learned State counsel further submits that trial in the present case is still ongoing and material prosecution witnesses are yet to be examined. In such circumstances, it is apprehended that if the petitioner is enlarged on bail, he may influence the prosecution witnesses or abscond from the process of law.

Considering the seriousness and gravity of the offence, it is submitted that petitioner does not deserve the concession of regular bail, and present petition is liable to be dismissed.

7. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

8. From the status report dated 16.03.2026 filed by learned State counsel, it emerges that CCTV footage, coupled with the allegations in the FIR, indicates that it was the co-accused-Bajrang Singh @ Jafar @ Vikram, who had called Shubham (since deceased) outside the house, while petitioner arrived later on a bicycle, unarmed and without holding any weapon. Therefore, the exact nature and extent of the petitioner's culpability require thorough determination after adducing the complete evidence before the trial court.



CRM-M-11170-2025

5

In view of the above, this Court does not find any substantial reason to continue further detention of the petitioner inside jail, as the same would not serve any meaningful purpose for the prosecution.

9. Considering the totality of circumstances, nature of allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

17.03.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO