



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-24460-2025
Decided on : 22.01.2026

SATENDER KUMAR
.....Petitioner
Versus
STATE OF HARYANA
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Parunjeet Singh, Advocate,
for the petitioner.
Mr. Aditya Pal Singla, 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
Satender Kumar, aged about 25 years	136	14.04.2024	323, 506 of IPC (Sections 307, 398 of IPC added later on)	Industrial, Sector 7, Manesar	Gurugram

2. Learned counsel for the petitioner contends that complainant, Rajkumar, lodged the FIR alleging that on 10.04.2024 at about 3:20 A.M., his father, namely Garib Dass, had a scuffle with some



unknown persons. It is alleged that during the said scuffle, the assailants struck his father on the neck and, while issuing threats, fled from the spot. Thereafter, complainant brought his father in an injured condition to the hospital, where he was initially provided first aid at GH, Sector-10, Gurugram, and was subsequently referred to Safdarjung Hospital, New Delhi.

3. Counsel for the petitioner further submits that although injured Garib Dass later on expired, his death is not attributable to the injuries allegedly caused by the petitioner.

It is further argued that till date, only 5 prosecution witnesses have been examined, and that too, on 05.05.2025. Thereafter, no prosecution witness could be examined as the complainant has moved an application seeking a fair investigation, which is still pending adjudication. Proceedings before the trial court have been deferred repeatedly for one reason or the other, as is evident from the zimni orders on record, with the last examination of PW-4 and PW-5 having taken place on 05.05.2025. Out of total 18 prosecution witnesses, 13 are yet to be examined. Thus, trial is likely to take a considerable period of time for its conclusion.

4. It is lastly contended that petitioner is in judicial custody since 30.04.2024, i.e., for a period of about 1 year, 8 months and 25 days, and no other criminal case is registered against him. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

5. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel,



produces the custody certificate dated 21.01.2026 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 08 months and 25 days period inside jail and there is no other case registered against him.

6. Learned State counsel is unable to dispute any of the factual assertion as stated by counsel for the petitioner today before this Court. However, he prays for dismissal of the present petition.

7. This Court has heard the submissions addressed by learned counsel for the parties and has perused the record available before it.

8. Undoubtedly, petitioner is in judicial custody for the last about 1 year, 8 months and 25 days, and no other criminal case has been registered against him. There are total 18 prosecution witnesses, out of which 13 are yet to be examined. However, due to non-appearance of the witnesses or their non-examination before the trial court, the accused cannot be kept in custody for an indefinite period in the absence of any special or exceptional circumstances. Moreover, sustainability of the invocation of Section 398 IPC is yet to be established by the trial court, as nothing specific in this regard has been pointed out in the status report already filed by the learned State counsel.

Till date, there is nothing on record to *prima facie* indicate that death of deceased Garib Dass was a consequence of the injuries allegedly caused by the petitioner. Therefore, plea of the petitioner for grant of regular bail appears to be justified.



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9. In view of the totality of circumstances, nature of the 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.

10. 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.

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

12. 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.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

22.01.2026

Lavisha

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