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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 03.02.2026

VINOD ALIAS BINNU ALIAS VINOD NAGAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Balvinder Sangwan, Advocate, and
Mr. Krishna Maurya, Advocate, for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, 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
Vinod @ Binnu @ Vinod Nagar, aged about 33 years	156	13.11.2020	148, 149, 302, 506 of IPC and Sections 25/54/59 of Arms Act (Sections 450, 212, 379, 411, 468, 472 and 120-B of IPC added later on)	Bhupani	Faridabad

2. Learned counsel for the petitioner contends that, as per the case of prosecution, on 13.11.2020, complainant Gian Chand, along with



his son, was present in their office. At about 9:00 p.m., when the complainant stepped out to attend nature call, he allegedly heard gunshots and rushed back towards the office, where he purportedly saw four boys firing at his son Rocky. The assailants allegedly fled from the spot along with 5–6 other persons. Rocky, son of the complainant, was taken to QRG Hospital, where he was declared “brought dead,” following which the present FIR was registered. Petitioner has been named in the FIR.

3. Learned counsel further submits that complainant, who is stated to be an eye-witness, was examined on 16.05.2023 and has failed to support the prosecution case. Another alleged eye-witness, Azad, also failed to support the prosecution case in his testimony recorded on 20.05.2023. Additionally, Jitender, brother of the deceased Rocky and another purported eye-witness, has likewise failed to support the prosecution case in his testimony recorded on 20.05.2023.

It is further submitted that petitioner is in judicial custody since April 2021, i.e., for a period of approximately 3 years, 11 months, and 20 days. Out of total 53 prosecution witnesses, only 11 have been examined so far, and therefore, the conclusion of the trial is likely to take considerable time. Thus, counsel prays for the grant of regular bail to the petitioner in the present case.

4. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 02.02.2026 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 03 years 11 months and 20 days period inside jail.

5. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioner, submits that petitioner does not deserve the concession of regular bail. It is contended that, pursuant to the petitioner's disclosure, the motorcycle used in the commission of the crime along with a country-made pistol and four live cartridges were recovered. Thus, learned State counsel prays for dismissal of the present petition.

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

7. It is noticed that the complainant, Gian Chand (father of the deceased), was examined as PW-7. However, in his examination-in-chief, it is not specifically got recorded, whether the complainant/witness denied to identify the accused present in Court, or that they are not the same persons, whom he had seen at the spot at the time of the incident.

8. Surprisingly, the concerned Public Prosecutor did not make any effort to have the accused identified in Court or to elicit any clarification regarding their alleged involvement in the incident. Neither any such deposition was brought on record during the examination-in-chief, nor the issue was clarified during the cross-examination conducted by the Public Prosecutor.

9. This Court has, on numerous occasions, noticed such lapses—whether intentional or otherwise—in the examination-in-chief in cases



of a serious nature, which appear to stem from negligence on the part of the concerned Public Prosecutor.

It has also been noticed that another alleged eye-witness, namely Azad, examined as PW-9, has clearly resiled from the prosecution case.

10. On asking by the Court, learned State counsel has informed that there is no other eye-witness in the case, who remains to be examined.

11. It is further noticed that petitioner is in judicial custody since April 2021, i.e., for a period of approximately 3 years, 11 months, and 20 days. Out of total 53 prosecution witnesses, only 11 have been examined so far. Consequently, conclusion of the trial is likely to take considerable time.

12. Therefore, in view of the totality of the circumstances, the nature of the allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of bail to the petitioner.

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.

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



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14. 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.

15. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

16. Petition stands disposed of.

17. Let a copy of this order be forwarded to the Director of Prosecution, Haryana, to look into the deficiencies noticed by this Court in the functioning of Public Prosecutors in various Courts across the State.

(SANJAY VASHISTH)
JUDGE

03.02.2026

Lavisha

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