



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

294

CRM-M-43124-2025

Date of decision 29.01.2026

VIJAY

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sukesh Kumar Jindal, Advocate with
Ms. Sonia Bohat, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 302, 148, 149, 34 of the Indian Penal Code, 1860, hereinafter being referred to as 'IPC' only, and Section 25 of the Arms Act, 1959, the FIR No.87 dated 08.03.2022, has been lodged in Police Station Julana, District Jind. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is second petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Jai Bhagwan, hereinafter being referred to as 'complainant' only, who had stated that on 07.03.2022 at about



09:30 P.M., he alongwith his cousin Dharmender @ Gabbu was sitting in the office of their liquor vend at village Gatauli. As per above-named complainant there Pardeep son of Daya Nand came and asked Dharmender to accompany him. As per complainant, Dharmender accompanied Pardeep and went outside the office. According to complainant after sometime there was a commotion and that to enquire about the reasons behind the abovesaid commotion when he came out his office, he found that Pardeep and Sandeep alongwith Vijay, Sanjay and Taqdeer were thrashing Dharmender, and that after brutal thrashing Pardeep picked up a pistol and Vijay with another weapon fired gunshots upon Dharmender. As per complainant the gunshots hit Dharmender and due to above-mentioned gun-shot injuries Dharmender fell in the street and later on passed away.

3. As per prosecution, in view of above-mentioned statement formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. At the very out-set it has been pointed out by learned State counsel that in the present case the trial has already reached to its final stage and that the same is fixed for defence evidence.

6. In response thereto, the learned counsel for the petitioner has contended that in order to collect requisite defence evidence, and to prove innocence of the petitioner, he deserves the benefit of bail. According to learned counsel for the petitioner the petitioner is already in custody for a period of more than 03 years and 07 months.

7. While referring to the principles of law laid down by this Court in the cases of 'Rohtash @ Anchi vs. State of Haryana' CRM-M-43818-2023



(O&M) decided on 11.09.2023, 'Kamaljeet Bhoomla vs. State of UT Chandigarh' CRM-M-1635-2020 decided on 04.08.2021, 'Angrej @ Geju vs. State of Haryana' CRM-M-33287-2020 decided on 23.11.2020, 'Jaiveer @ Poppan and others vs. State of Haryana' CRM-M-17349-2019 (O&M) decided on 08.01.2020, 'Hitesh vs. State of Haryana' CRM-M-22466-2024 decided on 03.10.2024 and 'Dharmesh vs. State of Haryana CRM-M-1701-2020 decided on 04.03.2020, the learned counsel for the petitioner has contended that benefit of bail should not be denied to the petitioner, who otherwise deserves the same, merely on the ground that the trial is fixed for defence evidence.

8. In addition to above, the learned counsel for the petitioner has also contended that the petitioner may be enlarged on interim bail for a limited period of two weeks, and that the petitioner once released on bail would surrender before the jail authority within two weeks.

9. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, there are very specific allegations against the petitioner, duly supported by a reliable eye-witness account. According to learned State counsel once the trial is likely to be concluded in near future, the benefit of bail should not be accorded to the petitioner. It has also been contended by learned State counsel that no ground for release on interim bail, for the purpose of collecting defence, is made out. As per learned State counsel the present petition is devoid of merits and deserves dismissal.

10. The record has been perused carefully.

11. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that:-



- (i) that the entire prosecution evidence in this case has already been recorded and therefore, this possibility is ruled out that the petitioner, if released on interim bail, will be in a position to influence the witnesses or tamper with the evidence;
- (ii) that the present petition is being pressed by learned counsel for the petitioner for the concession of interim bail only, for a period of two weeks, which by any stretch of imagination cannot be held to be unjustified;
- (iii) that the petitioner is already in custody for a period of more than 03 years and 07 months;
- (iv) that nothing is left to be recovered from the possession of the petitioner;
- (v) that detention of petitioner in judicial lock up is not likely to serve any purpose;

12. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby held that request of learned counsel for the petitioner for release of petitioner on interim bail for a period of two weeks deserves to be allowed. Hence, the same is hereby allowed.

13. The present petition is hereby disposed of with a direction that the petitioner shall be released on interim bail for a period of two weeks from the date of his release on furnishing surety bonds of heavy amount, to the satisfaction of learned trial Court. However, the above-mentioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court; and



- (iii) that the petitioner shall not leave India without prior permission of the trial Court.
- (iv) that the petitioner shall surrender before the jail authorities by 05:00 P.M. on 15th day, from the date of his release.

(SURYA PARTAP SINGH)
JUDGE

29.01.2026

<i>vipin</i>	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No