

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2026.PHHC.045282



CRM-M-46728-2025 (O&M).
Date of decision: 23.03.2026.

DHARMENDER @ BITTU

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Mr. Paras Talwar, Sr. DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in
case bearing FIR No.99 dated 21.03.2020, under Section(s) 323, 324, 452,
302 and 34 of the Indian Penal Code, 1860 (Later on Section 452 IPC deleted
and Sections 449, 216 and 307 IPC added), registered at Police Station IMT,
District Rohtak.

Custody certificate placed on record.

The aforesaid FIR was registered on the statement of Dharmbir
son of Bhana Ram which reads thus: -

"It is stated that I, Dharambir son of Bhana Ram, am resident of Village Mungan, District Rohtak. I have one son Nitish and three daughters. That today on 21.3.2020, at about 8.30 a.m, me and my wife Sheela, daughters Neha and Rakhi, son Nitish and nephew Sikandar son of Hari Kishan were present at my house. Then, Bitto son of Om Parkash and Vikas son of Bhim Singh of our village came to our house having knives in their hands and attacked my nephew Sikandar upon arrival. My son Nitish came forward to save him but Bitto and Vikas attacked Nitish with the knives in their hands. When we raised noise, then Bitto and vikas along with their companions ran from the spot. I brought my injured son Nitish and nephew Sikandar to PGI Rohtak for treatment in the car of Ajit son of Ramesh of our village. My son Nitish died during treatment. So legal action be taken against Bitto and Vikas. Cause of enmity is that Bitto and Vikas doubted that Sikandar had said something to the girl."

Learned counsel appearing on behalf of the petitioner, without going into the controversy involved, confines his prayer to the effect that the trial has not reached even the half way stage despite the petitioner having undergone an actual custody of 06 years and only 12 out of 32 witnesses cited by the prosecution have been examined so far. He further submits that the petitioner was not initially named in the FIR and no specific injury has been attributed to him. Besides, there is an inexplicable delay in registration of the FIR and that as per the MLR of the deceased, there was only one injury on the person of the deceased, but two persons have been attributed the said injury. He submits that all the independent witnesses including the complainant already stand examined, hence, the case of the prosecution would not have

any prejudicial impact in case the petitioner is granted regular bail.

State counsel, on the other hand, reiterates the allegations as per the FIR and contends that the petitioner along with his co-accused caused stab injury/incised wound not only to the deceased but also to the witnesses. The stage of trial and period of custody of the petitioner are, however, not disputed. It is also not disputed that there is no other case against the petitioner.

Having heard the counsel for the respective parties and without commenting anything on the merits of the present case, this Court takes note of the fact that the petitioner has already undergone an actual custody of more than 06 years in the present case and bearing in mind the stage of the trial where only 12 witnesses out of 32 witnesses cited by the prosecution have been examined so far, I am of the opinion that equity would press in favour of the petitioner. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

March 23, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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