



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

CRM-M-47543-2025 (O&M)

Date of Decision:02.07.2026

Shiv Kumar @ Sahil

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr.DAG, Haryana.

Mr. Suraj Mandhan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-25875-2026

1. Application is allowed as prayed for, subject to just all exceptions.

Main case

1. The petitioner has filed the second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.279, dated 27.07.2023, registered under Sections 307,323, 34 of IPC and 120-B, 201,302 of IPC added later on, at Police Station Kunjpura, District Karnal (Annexure P-1).

2. The F.I.R (Annexure P-1) in the present case was registered on the basis of the statement made by Pawan Kumar son of Sjukkar Ram and the same has been reproduced below:-

*“To SHO Police Station Kunjpura Karnal. Sir,
it is submitted that I Pawan Kumar son of Sjukkar Ram is*

resident of Village Chora Khalsa. My nephew Deepak son of Suresh Kumar is married and doing private job in Cycle Factory at Rajpura, Punjab. My nephew used to visit his house once in a week. On 24.07.2023, Deepak had come to his house in evening from factory. On 26.07.2023, I along with my wife and children were sleeping in our room and in the upper room i.e. 1st Floor, my mother and my nephew Abhinav were sleeping. At about 11:30 PM, Asha @ Kajal, who is wife of my nephew woke up us and said that three boys have thrown Deepak in the house after killing him. I along with my family after coming there saw that blood was oozing out from the ear of Deepak and he had suffered injuries on neck as well as head. Wife of Deepak told us that at about 09:00 PM to 09:30PM, one phone call was received at one of mobile no.79888- 91302, 95551-59232, 90347-48722 of Deepak and Deepak had gone out from the house. Thereafter at about 11:30PM three unknown boys had thrown Deepak in half dead condition and went away. Thereafter, we took our nephew Deepak to Kalpana Chawla Medical College for medical treatment, from where due to excessive injuries, he was referred to PGI Chandigarh. Then we brought Deepak to PGI Chandigarh, where, his condition is critical. Legal action be taken after searching the accused. Unknown boys have caused injuries to Deepak with intention to kill him. Action be taken. SD/- Pawan Kumar.

3. Learned counsel for the petitioner contends that the F.I.R (Annexure P-1) in the present case was initially registered against unknown persons and no suspicion was raised against any accused. During the course of investigation, the supplementary statement of the Pawan Kumar, complainant was recorded by the police on 06.08.2023 and he had named Asha wife of deceased, the present petitioner, Nimantra wife of Somdat and one doctor

namely Karan as accused in the said statement. Asha, co-accused was arrested on 07.08.2023 and had allegedly suffered a disclosure statement on the next day. Even as per the disclosure statement of Asha (Annexure P-3), the petitioner was not even present at the place of alleged occurrence and had simply instigated her to commit the crime. Apart from the aforementioned evidence, there was no other evidence against the present petitioner and he was still wrongly arrested by the police on 07.08.2023. Learned counsel further submits that the real sister of petitioner was married with uncle of Asha and mother of Asha have also died four years ago. Consequently, Asha was residing with real sister of the petitioner and she was taking care of her. Due to this, the petitioner has been falsely involved in the present case. Learned counsel further referred to various zimni orders passed by the Trial Court to contend that the prosecution made every attempt to delay the trial before the Trial Court and the matter was repeatedly adjourned as the prosecution witnesses intentionally chose not to appear before the Trial Court. Further, he referred to the testimony of PW-7, Pawan Kumar, complainant to contend that even from his testimony, the complicity of the petitioner in the crime could not be inferred. Apart from that, the petitioner was arrested in the present case on 07.08.2023 and is in custody for the last about two years and 11 months. Further, the prosecution had placed reliance on 21 witnesses in the challan and only 07 material witnesses have been examined so far.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the principal accused, who had instigated Asha to strangle her husband. She administered some tablets to her husband and also strangled him with the

help of *Dupatta*. Learned counsel for the complainant submits that the case is listed before the Trial Court on 08.07.2026 for examination of daughter of the complainant and in case, the present petition is allowed, he may tamper with the prosecution evidence in the present case. However, it is not in dispute that except her, all other material witnesses in the present case have already been examined by the prosecution.

5. I have heard the learned counsel for the parties and perused the record carefully with their able assistance.

6. Undoubtedly, the allegations levelled against the petitioner are serious in nature, however, the petitioner cannot be confined in jail for an indefinite period as an undertrial prisoner. It is also apparent from the record that on several dates, the prosecution could not examine the witnesses without any reasonable justification, which has violated the right of the accused under Article 21 of the Constitution of India, which ensures the speedy trial to an accused as well. Apart from the fact that the accused has incarcerated for a very long period, the prosecution has already examined all the material witnesses, except the daughter of the complainant.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

8. Since during the course of arguments, learned counsel for the complainant has expressed an apprehension that the petitioner may approach the daughter of the complainant and may influence her, the petitioner is directed not to approach any prosecution witnesses till the conclusion of the trial and in

case, he tries to tamper with the prosecution evidence in any manner, the concession of bail granted to him shall be liable to be withdrawn by this Court.

02.07.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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