2026:PHHC:042304

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

144

CRM-M-55194-2025
Decided on : 17.03.2026

Devender @ TT . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Randeep S. Dhull, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

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SANJAY VASHISTH, J. (Oral)

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Devender @ TT	99	26.05.2020	148, 149, 323, 302, 506 of IPC, 1860 [S. 120-B of IPC & 25 of Arms Act, 1959]	Bahu Akbarpur	Rohtak

2. First bail petition was argued; however, when this Court was not inclined to accept the contentions raised on behalf of the petitioner, the same was dismissed as withdrawn at that stage, vide order dated 01.03.2024, passed in CRM-M-25753-2022 (O&M) (Annexure P-5).

Second bail petition was also withdrawn after being argued for some time, vide order dated 26.05.2025, passed in CRM-M-1699-2025 (O&M) (Annexure P-6).

3. FIR in the present case was registered at the instance of the complainant –

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Anuj, which reads as under:-

> *" I Anuj son of Samunder Singh caste jat is resident of village Bhali Anandpur. Yesterday on 25.05.2020 I and my friend Terath alias Bholu son of Bharat Singh alias Bharthal resident of Bhali time was at around 8PM, were roaming around. Bholu got a call and after listening to the phone he told me that Sandeep alias Bachhu son of Shenshah alias Prakash resident of village Bhali is calling them to sit and to talk. We both went to Satbir's farm where Bholi Saharan son of Raj kumar, Sandeep alias Bacchu son of Prakash resident of village Bhali and joker and Kala both residents of Garhi Khedi and one other person were already sitting, we started eating and drinking after sometime our village's TT son of Dhan Singh came and After 5-10 minute he went away without eating and drinking anything. Kala was walking after consuming alcohol, he suddenly fired from pistol at Bholu alias Terath, who got up and ran and even after that fired from behind, when I tried to save him, Kala pointed the pistol at my head but the pistol did not work, then Kala gave blow on my head with butt of pistol and when I ran to save my life, they all caught me. Then I started running away after getting rid of them, then Bholi Saharan threatened me that today you have survived and we will kill you. Yours faithfully Anuj son of Samunder Singh village Bhali age 22 Years Phone No.9350050841."*

4. Learned counsel for the petitioner argues that as per the allegations, the deceased – Bholu @ Terath and the prime accused – Kala were sitting together and consuming alcohol, and the petitioner had joined their company only for a short while and thereafter left the place.

It is submitted that during the course of investigation, the only allegation which surfaced against the petitioner is that he had a motive to get Bholu killed on account of an earlier incident involving alleged misbehaviour of the deceased with the sister-in-law of the petitioner. In this regard, reliance has been placed upon paragraph No.13 of the status report, wherein reference has been made to two earlier cases, i.e. (i) FIR No. 499 of 2017 under Section 451 IPC registered at Police Station Sadar Rohtak and

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(ii) FIR No. 322 of 2018 under Sections 323, 452 and 354-D IPC registered at Police Station Sadar Rohtak.

On the basis of the said allegations, it is sought to be alleged that the petitioner wanted to take revenge from the deceased and had, in connivance with co-accused, hatched a conspiracy to commit the murder of Bholu @ Terath. It is further alleged that the pistol used in the occurrence was arranged by the petitioner and handed over to co-accused Kala for committing the offence.

5. Learned counsel for the petitioner further argues that even as per the status report, no substantive evidence has been pointed out to support the aforesaid allegations. It is contended that the alleged incident of misbehaviour pertains to the year 2017, i.e. nearly three years prior to the occurrence in question, and proceedings in that regard are already pending.

It is further argued that if at all any animosity existed, the same could be attributed to the deceased himself, who was facing criminal cases at the instance of the petitioner's sister-in-law. Therefore, it is contended that no direct or immediate motive can be attributed to the petitioner for committing the alleged offence.

Additionally, learned counsel submits that the petitioner is inside the jail since May, 2020, i.e. for about 07 years. It is further submitted that except one other case, in which the petitioner has already undergone the sentence awarded to him, no other criminal proceeding is pending against him.

It is also pointed out that out of total 37 prosecution witnesses, only 05 witnesses have been examined so far, which shows that the trial is

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proceeding at a very slow pace.

6. On the other hand, learned State counsel, assisted by learned counsel for the complainant, while opposing the prayer for bail, submits that the petitioner is specifically named in the supplementary statement and has played an active role in the commission of the offence. It is contended that the present is a case of brutal murder.

It is further submitted that the role attributed to the petitioner is not merely that of a passive presence, rather, he is alleged to have been part of the conspiracy and to have facilitated the commission of the offence by arranging the weapon used in the crime.

It is also argued that the earlier bail petitions of the petitioner have already been withdrawn after arguments, and there is no substantial change in circumstances to warrant consideration of the present second petition. Accordingly, it is prayed that in view of the seriousness of the offence and the role attributed to the petitioner, the present petition deserves to be dismissed.

7. I have heard learned counsel for the parties and have perused the relevant material available on record.

8. At this stage, without commenting upon the merits of the case, it is noticed that the main allegation of firing the fatal shot has been attributed to co-accused Kala, whereas the role attributed to the present petitioner is that of alleged conspiracy and facilitation.

It is further a matter of record that the petitioner has been nominated primarily on the basis of the supplementary statement of the complainant and the allegation regarding arranging of the weapon is yet to

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be substantiated during trial by leading cogent evidence.

Significantly, petitioner is inside the jail since May, 2020, i.e., for a period of about 07 years, and out of a total of 37 prosecution witnesses, only 05 witnesses have been examined so far, which clearly indicates that the trial is proceeding at a very slow pace and is likely to take considerable time to conclude. So far as the objection regarding filing of second bail petition is concerned, it is well settled that prolonged incarceration coupled with delay in trial constitutes a valid change in circumstance for re-consideration of bail.

9. Keeping in view the period of incarceration already undergone, the stage and pace of trial, the nature of allegations, and without expressing any opinion on the merits of the case, this Court is of the considered view that further detention of the petitioner inside the jail would not serve any useful purpose. Accordingly, this Court deems it a fit case for grant of concession of regular 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.

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

11. 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,

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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.

12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

March 17, 2026
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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