



CRM-M-62931-2025(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on :07.03.2026

Happy Fagna

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gaurav Gupta, Advocate for the petitioner.

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

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SANJAY VASHISTH, J. (Oral)**CRM-51179-2025**

i) Present application has been filed under Section 528 of BNSS, for placing on record the copy of the statement of PW-3 dated 03.12.2025 as Annexure A-1.

ii) For the reasons enumerated in the application, same is allowed and the copy of statement of PW-3 is taken on record as Annexure A-1. Registry is directed to tag the same at appropriate place with the paper-book.

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1. Present third petition has been filed under Section 483 of the BNSS seeking the grant of regular bail in case FIR No. 503 dated



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14.10.2023, registered under Sections 302/34 IPC at Police Station Dabua, Faridabad.

2. Earlier petitions, i.e., CRM-M-21663-2024 and CRM-M-35833-2024, were dismissed as withdrawn vide orders dated 07.05.2024 (P-8) and 01.08.2024 (P-9), respectively. Hence, present third petition has been filed.

3. Deceased in the present case is Kaif Mohd., son of Wasim. On 12.10.2023, deceased had left his home to go to work. At around 7–8 p.m. in the evening, the complainant received a call from his son stating that he would be working a night shift. The deceased also told the complainant that “***Papa, a boy named Happy Fagna is troubling me.***”

4. On 13.10.2023, at about 10–11 a.m., Nizamudin (brother-in-law of the complainant) called and informed the complainant that his son, Kaif Mohd., had been murdered by Happy Fagna. Thereupon, a complaint for registration of an FIR was submitted by the complainant on 14.10.2023.

5. During the course of investigation, accused-Happy Fagna (the petitioner herein) was arrested and one stick was recovered from his possession. Upon examination, doctor opined that the injuries sustained could have been caused by a weapon of the kind recovered in the parcel. The cause of death, as mentioned in the status report, is reproduced as under:



“In our opinion, the cause of death is neck injuries as described and its complications. However, the viscera has been sent for histopathological examination and chemical analysis.”

6. Learned counsel for the petitioner submits that petitioner is in custody since 14.10.2023 and that, out of a total of 16 prosecution witnesses, only 03 witnesses, namely PW-1 Wasim (complainant), PW-2 Anju (wife of the complainant and mother of the deceased), and PW-3 Nizamudin (who had initially informed the complainant Wasim about the death of his son and the alleged involvement of the petitioner in the murder), have been examined, and all of them have turned hostile.

7. Learned counsel for the petitioner further submits that, even as per the RFSL report dated 03.10.2025, it has been observed that:

***“1. Ethyl alcohol was detected in exhibits 1a, 1b, 1c and 1d.
2. Exhibit 1d was found to contain ethyl alcohol in the strength of 17.25 mg%.No common poison could be detected in exhibit 1e.”***

8. Thus, counsel argues that, apart from the allegations mentioned in the FIR, there is no other evidence available with the prosecution till date which could warrant or ensure the conviction of the petitioner, thereby justifying his continued incarceration in jail. Learned counsel for the petitioner further submits that co-accused, namely Sagar and Ravi, have already been granted the concession of bail by this Court vide orders dated 26.08.2025 (P-4) and 06.11.2025 passed in CRM-M-26585-2025 and CRM-M-52832-2025, respectively. Thus, prays for grant of bail.

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9. On the other hand, learned State counsel opposes the prayer for bail and submits that the petitioner is involved in a serious offence under Section 302 IPC involving the murder of the deceased. It is contended that during the course of investigation, petitioner was arrested and the weapon of offence, i.e., a stick, was recovered from his possession, which corroborates the medical opinion regarding the injuries sustained by the deceased. Learned State counsel further submits that the trial is still in progress and, considering the gravity and nature of the allegations against the petitioner, he does not deserve the concession of bail at this stage. .

10. I have heard Learned Counsel for the parties and perused the paper book and the documents appended thereto.

11. Undisputedly, the petitioner is in custody since 14.10.2023 i.e. for a period of last about 02 years and 05 months. Present case is based upon circumstantial evidence and the prime prosecution witnesses, who have already been examined, have turned hostile.

In view of the above facts and circumstances, and without commenting upon the merits of the case, this Court does not find any justification to continue the detention of the petitioner in custody. Accordingly, 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.



12. Any of the discussion done and recorded hereabove, 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.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

07.03.2026
Rashmi

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