

2026.PHHC.027089



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-65282-2025

Hemant

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	18.02.2026
2	The date when the judgment is pronounced	20.02.2026
3	The date when the judgment is uploaded on the website	20.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Deepinder Singh Virk, Advocate and
Mr. Dev Kumar Ahlawat, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 409 dated 12.12.2023 registered under Sections 120-B, 302, 323, 458 and 449 of IPC and Section 25 of Arms Act, 1959 at Police Station Asaudha, District Jhajjar.

2. The aforementioned FIR was registered on the basis of a written

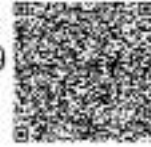
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complaint submitted by the complainant Jyoti, alleging therein that on 09.12.2023, a verbal altercation had taken place between the members of her family as well as family members of Haripal, son of Jagdish, over the drainage of dirty water and at that time, Haripal and his son Hemant had extended threats to kill her family members. However, the matter had not been reported to the police. On the intervening night of 11/12.12.2023, the petitioner, by forming an unlawful assembly with his other family members i.e. co-accused, entered inside their house at about 2:00 AM. The petitioner struck blows with a knife on the person of her father-in-law Om Parkash. On hearing noises, she rushed to the spot, but then within her sight also the petitioner struck several blows on the person of her father-in-law with a knife. Even she sustained injuries at his hands when she tried to rescue him. On clamour being raised, neighbours reached there and then the petitioner fled away while throwing his weapon at the spot itself. The injured were rushed to the hospital, however, her father-in-law succumbed to the injuries.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 13.12.2023. On interrogation, he suffered a disclosure statement admitting his involvement in the crime. Other persons named as co-accused were, however, exonerated during the course of investigation and after conclusion thereof, challan was presented as against the present petitioner, who is facing trial for commission of the aforementioned offences.

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4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The falsity of the prosecution version stands established merely from the fact that other persons named as accused have been exonerated. The occurrence that had allegedly taken place on 09.12.2023, had not been reported to the police. The complainant Santosh, who was a star witness of the same, has not supported the prosecution case and has not implicated the petitioner in the commission of subject offences. Even the wife of the deceased has not supported the prosecution version. Material witness PW3-Naresh has also turned hostile. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. He has clean antecedents. There are no chances of his absconding. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by the respondent State. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail. It is therefore argued that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have criminally trespassed into the house of the complainant on the fateful night and is further alleged to have caused injuries on the person of the victim-Om Parkash, thereby causing his homicidal death. The petitioner has placed on record copies of sworn depositions of complainant-Jyoti i.e. PW-1, PW-2 Santosh, wife of the

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deceased and an eyewitness to the occurrence, as well as PW-3 Naresh. None of them has implicated the petitioner in the commission of the offence of murder of the victim. They are shown to have resiled from their respective statements allegedly made before the police and have stated that the petitioner was not the person who had inflicted injuries on the person of the victim, thereby causing his death. Recovery of the weapon of offence has also not been effected at the instance of the accused. As per the FSL report, the bloodstains detected on the torn shirt of the victim were inconclusive. Taking into consideration the nature of evidence that has come on record in the form of testimonies of the material witnesses, the period spent by the petitioner in custody, and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th February, 2026

Parveen Sharma

- 1. *Whether speaking/ reasoned*
- 2. *Whether reportable*

: *Yes / No*
: *Yes / No*