



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.124

CRM-M-71934-2025
Date of Decision: 26.02.2026

ABHISHEK ...Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Baljraj Gujjar, Advocate
for the petitioner.

Mr. Jasmine Gill, AAG, Haryana.

MANDEEP PANNU, J. (Oral)

1. This is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No. 648 dated 21.09.2023, registered under Section 302 (Sections 120-B and 34 added later on) of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Palla, District Faridabad, Haryana.
2. Briefly stated, the present FIR was registered on the complaint of Ajay Yadav, who alleged that about 6–7 months prior to the occurrence, his mother Seeta Devi had taken a loan of Rs.8,000/- on interest from one Monu Goyal, which she could not repay in time. It is alleged that a few days prior to the incident, Monu Goyal came to the vegetable cart of his mother and demanded money while using objectionable language, which led to an altercation with his younger brother Vijay Yadav. On 20.09.2023, when Vijay Yadav had gone to Om Enclave for some work, Monu Goyal again



confronted him over the demand of money and allegedly fired a gunshot at him. Vijay Yadav succumbed to his injuries on 21.09.2023, whereupon the present FIR No. 648 dated 21.09.2023 was registered at Police Station Palla, District Faridabad.

3. Learned counsel for the petitioner has contended that the main accused in the present case is Monu Goyal, who allegedly fired the gunshot at the deceased Vijay Yadav, and no specific role of firing or causing fatal injury has been attributed to the present petitioner. It is submitted that the petitioner was arrested during investigation and allegedly suffered a disclosure statement pursuant to which one danda was recovered. It is further contended that the petitioner is in custody for the last about two and a half years and during trial five prosecution witnesses have already been examined, including the complainant Ajay Yadav, who is stated to be the only eyewitness, but he has not supported the case of the prosecution and has turned hostile. The remaining four witnesses examined have also not supported the prosecution version and have turned hostile, and they have not even named the main accused Monu Goyal in their testimonies. In these circumstances, it is argued that the prosecution case has materially weakened and no useful purpose would be served by keeping the petitioner in further custody, and therefore he deserves to be released on regular bail.

4. Per contra, learned State counsel has opposed the prayer for bail and submitted that serious allegations of murder have been levelled against the petitioner along with his co-accused, including the main accused Monu Goyal. It is contended that merely because some of the witnesses have



turned hostile, the same cannot be a ground to release the petitioner on regular bail, considering the gravity of the offence under Section 302 IPC and allied provisions.

5. I have heard learned counsel for the parties and have perused the record. The petitioner has been in custody for the last about two and a half years. It is not disputed that five material prosecution witnesses, including the complainant who is stated to be the only eyewitness to the occurrence, have already been examined and all of them have turned hostile and have not supported the case of the prosecution. Significantly, they have not even attributed any role to the main accused Monu Goyal in their depositions. Once the star witness and other examined witnesses have not supported the prosecution version, the substratum of the case, at least at this stage, stands substantially weakened.

6. In view of the prolonged custody of the petitioner, the fact that the principal witnesses have already been examined and have turned hostile, and there being no immediate likelihood of improvement in the prosecution case on the same set of evidence, this Court is of the considered opinion that further incarceration of the petitioner would not serve any fruitful purpose. The trial is likely to take further time for conclusion.

7. Accordingly, without commenting on the merits of the case, the present regular bail application is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.



- 8. However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 9. All pending applications, if any, also stand disposed of.

26.02.2026
Anu

(MANDEEP PANNU)
JUDGE

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