



CRM-M-73918-2025

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

(250)

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Date of Decision: 14.01.2026

Date of uploading: 15.01.2026

Dalbir

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE SUMEET GOEL.

Present:- Mr. Gaurav Tyagi, Advocate for the petitioner.

Ms. Priyanka Sadar, Sr. DAG, Haryana.

SUMEET GOEL.J (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.46 dated 27.01.2025 registered under Section 103(1) BNS, 2023 at Police Station Old Industrial, District Panipat.

2. The gravamen of the FIR in question is that the petitioner along with his co-accused caused grievous injuries to the brother of the complainant, as a result of which brother of complainant died.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.02.2025. Counsel has submitted that the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that, a bare perusal of the FIR in question would reflect that the

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deceased-Kanhaiya @ Bakra was found in a distraught condition in a street by the complainant at about 11 PM, wherein after he was brought back to home. He later on complained of chest pain upon which a pain killer was given to him which was kept at home at about 1 PM. After some time it was allegedly realized by the complainant that Kanhaiya @ Bakra had passed away. Learned counsel has further submitted that there is no Post Mortem Report of the deceased is available with the police as the alleged incident is stated to have taken place on 21.01.2025, whereas the FIR in question was registered on 27.01.2025. Learned counsel has further submitted that two prime prosecution witnesses, who are eye witness of the incident, PW-Shiv Kumar and PW-Amit had turned hostile while being examined as prosecution witnesses. Learned counsel has submitted that petitioner has clean antecedents and thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.01.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 04.02.2025 wherein after investigation was carried out and challan stands presented on 29.04.2025. It is submitted that total 19 prosecution witnesses have been cited out of which 05 stand examined. The rival contention of learned counsel for the

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parties; as to whether; including the weightage required to be attached to the testimony of the hostile witness namely PW-Shiv Kumar and PW-Amit shall be gone into, during the course of the trial, this Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

7. As per custody certificate dated 13.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 11 months and is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.



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(vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.01.2026

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