



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

**CRM-M-18186-2026 (O&M)  
DECIDED ON: 10.04.2026**

**BITU**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Sanchit Punia, Advocate  
for the petitioner.

Ms. Jasmine Gill, AAG, Haryana.

**MANDEEP PANNU, J (ORAL)**

1. This is the first petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (corresponding Section 439 Cr.P.C.) for the grant of regular bail to the petitioner in FIR No. 124 dated 03.03.2024, registered under Sections 302 and 34 of the IPC (new corresponding Sections 103(1), 3(5) of the BNS Act, 2023) at Police Station Barwala, District Hisar.

2. Briefly, the facts of the case are that the present FIR was registered on the statement of the complainant Pawan Kumar, wherein it has been alleged that on 02.03.2024, his brother Krishan had solemnized a second marriage, which was resented by his son Vicky. On the following day, i.e. 03.03.2024, when Krishan was going to a grocery shop, co-accused Vicky along with the present petitioner Bitu allegedly came armed with



sticks (lathis) and attacked him. It is alleged that both of them inflicted injuries on Krishan while questioning his second marriage, as a result of which he succumbed to the injuries on the spot. Thereafter, both the accused fled from the scene.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. It is argued that none of the material witnesses has supported the case of the prosecution. Even the complainant himself has not supported the prosecution version and was declared hostile and in his cross-examination, he has categorically stated that the present petitioner and co-accused Vicky were not involved in the occurrence leading to the death of Krishan. It is further submitted that PW-1, who is the brother of the deceased, PW-2, who is the cousin brother of the deceased, PW-4, who is the complainant, and PW-6, who is the wife of the deceased, have all failed to support the case of the prosecution. It is specifically pointed out that PW-6, the wife of the deceased, has stated that she has no knowledge about the facts of the case.

4. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He has opposed the bail petition on the ground that serious allegations of commission of murder have been levelled against the petitioner, who is alleged to have committed the crime along with co-accused Vicky, the son of the deceased. It is further submitted that the petitioner is in custody for the last about two years. However, learned State counsel does not dispute the fact that all the material witnesses examined so far have not supported the case of the prosecution and have turned hostile.



5. After hearing learned counsel for the parties and perusing the record, this Court finds that the material witnesses, including the complainant, have not supported the case of the prosecution. The complainant, who is a crucial witness, has been declared hostile and in his cross-examination has specifically stated that the petitioner and co-accused Vicky were not involved in the occurrence resulting in the death of Krishan. Similarly, PW-1, the brother of the deceased, and PW-2, the cousin brother of the deceased, have also not supported the prosecution version. PW-6, the wife of the deceased, has gone to the extent of stating that she has no knowledge about the facts of the case. Thus, the very foundation of the prosecution case stands substantially weakened at this stage.

6. The petitioner is in custody for the last more than two years. In view of the fact that the material witnesses have not supported the prosecution case and the trial is likely to take further time to conclude, no useful purpose would be served by keeping the petitioner in further custody.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to furnishing bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

8. However, it is made clear that nothing stated hereinabove shall be construed as an expression on the merits of the case.

9. All pending miscellaneous application(s), if any, stands disposed of.

(MANDEEP PANNU)  
JUDGE

10.04.2026

*Poonam Negi*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*