



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

**CRA-S No.1476 of 2025
Reserved on: 08.05.2025
Pronounced on 09.05.2025**

ASIN @ AASIN

.... Appellant

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Baljeet Beniwal, Advocate for the appellant.

Ms. Sheenu Sura, D.A.G., Haryana.

Ms. Alisha Soni, Advocate for respondent No.2

MANISHA BATRA, J. (oral)

1. The instant appeal has been filed under Section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-~~the~~ **SC/ST Act**), challenging the order dated 22.01.2025 passed by the Court of learned Additional Sessions Judge, Faridabad in case arising out of FIR No.281 dated 04.06.2023 registered under Sections 365 and 120-B of IPC, (Sections 323, 364, 302, 201 of IPC and Section 3(2)(va) of the SC/ST Act), at Police Station Saran, District Faridabad, whereby, an application for grant of regular bail as filed by the appellant had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant-Reema alleging therein that she along with his family members was residing in a rented accommodation at village Saran. Her brother-Yogesh was also residing as a tenant with her family members, in the

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same house and her brother-in-law namely, Rinku had been residing with her. Both Rinku and Yogesh used to do work of fixing tiles. She alleged that on the evening of 03.06.2023, her brother-Yogesh and brother-in-law Rinku told her that they were telephonically called by one Asim at his shop situated at New Janta Colony, Dabua Road as he had some work for them. Both of them had left the house but did not return till late. At about 11 pm, Rinku made a call to her husband informing that Yogesh and himself had been abducted by the abovesaid Asim who had taken them towards Ballabgarh on the pretext of showing the site. He also informed that the above said Asim and his accomplices had physically assaulted him and Yogesh and had taken them in a vehicle to Khurja (U.P.). Rinku had somehow, saved himself by jumping from the vehicle but Yogesh was still in custody of abductors.

3. After registration of the FIR, investigation proceedings were initiated. During investigation, the co-accused Shmim Malik and the appellant were arrested from Khurja on 04.06.2023. On their identification two other accused namely, Kalu Kumar and Dharampal were also arrested on the same day. The appellant and other accused suffered disclosure statements to the effect that they had killed Yogesh and had buried his dead body under the sand. Offences under Section 302 and 201 of IPC were added. The accused Dharampal and Kalu Kumar got the dead body of Yogesh recovered from village Rajwaha, District Bulandshahr, U.P. and the same was identified by his family members. Post mortem examination and inquest proceedings were conducted. The present appellant was arrested on 10.06.2023. He demarcated the place of occurrence and got recovered a motorcycle and a mobile phone

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used at the time of crime and got effected recovery of some money. Co-accused were arrested subsequently. Call details record of cell phone of the, some other accused as well as of the victim Rinku were obtained on 04.08.2023. The statements of victim Rinku and Ramesh Chand father of deceased-Yogesh were recorded. Offences under Sections 323, 364 of IPC and Section 3(2)(va) of SC/ST Act were added. Investigation now stands concluded and the appellant along with co-accused is facing trial for commission of offences punishable under Sections 302, 323, 201, 364 read with Section 3(2)(va) of the SC/ST Act. The appellant had filed an application for grant of regular bail which was dismissed by the trial Court vide order dated 09.04.2025 and feeling aggrieved, present appeal has been filed.

4. It is argued by learned counsel for the appellant that he has been falsely implicated in his case by the complainant in collusion with Police only to harass and humiliate them due to party fraction. A false recovery has been planted upon him. Neither eye witness Rinku nor the complainant and her husband who are material witnesses have supported the prosecution version and have not implicated in the subject crime. He is in custody since long. While passing the impugned order dated 09.04.2025, the learned trial Court ignored the fact that no incriminating evidence against him has come on record. His further incarceration would not serve any useful purpose. He does not have any criminal antecedents. The trial will take considerable time to conclude. Accordingly, it is urged that he deserves to be released on bail and the impugned order is liable to be set aside.

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5. Per contra, it is argued by learned State counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the appellant. The call details record and location of cell phone of the appellant has been collected and the same show that the appellant had shared calls at the relevant time with the co-accused Guddu. The location of his cell phone was found to be the place of kidnapping and then from the place of murder of the victim at the relevant point of time. The complainant Reema and victim Rinku might have not supported the prosecution case but there are other circumstances to connect him with the crime. It is therefore, argued that the appeal does not deserve to be allowed.

6. Rival submissions of the parties have been heard.

7. The appellant by hatching a conspiracy with the co-accused is alleged to have abducted the victims Yogesh and Rinku on the fateful day and further alleged to have assaulted them. As per the prosecution case, the victim Rinku had managed to flee but victim Yogesh had been killed by the appellant and the co-accused. The counsel for the appellant had placed on record copies of sworn depositions of PW-1 Rinku who is the one of the victims, PW-2 Reema-complainant and PW-3 Malkhan Singh who is her husband. A perusal of the same shows that though they supported the prosecution version with regard to abduction of the victims and then killing of the victim Yogesh but they did not implicate the present appellant or either of the co-accused in commission of the subject offences. However, as per the prosecution case, there are other circumstances in the form of details of call details record and location of cell phones of the victim as well as the appellant showing his



presence at the spot at the relevant time. He was even named in the FIR, the allegations against him are quite grave. Keeping in view the nature of these allegations, the fact that only on the basis of hostile testimonies of the material witnesses, the innocence of the appellant cannot be assumed and further in view of the above discussed facts and circumstances, this Court is of the opinion that the appeal does not deserve to be allowed. Accordingly, the same is dismissed.

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

9. Since the main case is disposed of, pending application, if any also stands disposed of.

09.05.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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