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2025:PHHC:146726



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: October 28, 2025

Rajesh Kumar

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.76 dated 10.04.2022, registered for the offences punishable under Sections 302, 201 & 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector-6, Dharuhera, District Rewari.

2. The gravamen of the FIR in question is that complainant, namely, Smt. Anita Devi lodged a complaint, stating that since 2010, she had been residing along with her children in the rented house of Anil Kumar, resident of Sihi Khidki, Dhaura, Gurgaon. Her brother-in-law (*Jeth*), namely, Sachidanand Singh, son of Thakur Dayal Singh, aged about 51 years, was employed through a contractor in Hero Honda Company, Dharuhera, in the Dispatch Department as a Supervisor. He was residing in the rented premises of Ompal, situated at Kaushik Colony, Dharuhera, while his children continued to live in their native

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village Padiyari. On 09.04.2022, at about 05:00–05:30 PM, Sachidanand returned to his rented accommodation after completing his duty at Hero Honda Company. Around 06:00 PM, he went to a nearby dairy to purchase milk. Later, at about 07:00 PM, as per the statements of nearby tenants, he was seen leaving his residence wearing a lower and a T-shirt. Thereafter, he did not return. His children from Village Padiyari tried contacting him telephonically but were unable to obtain any information. Despite searches conducted by family members, his whereabouts remained unknown. On the following morning, 10.04.2022, at about 06:00 AM, Sachidanand's daughter, namely, Khushbu Kumari, telephonically informed Smt. Anita Devi that her father was missing since the previous evening. When Anita Devi reached Kaushik Colony, Dharuhera, at about 06:30 AM, she noticed a crowd gathered near the roadside bushes. Upon inspection, a dead body was found — the hands were tied with tape, the mouth was sealed with tape, the legs were wrapped in a blue plastic bag, and other body parts were covered in a white plastic bag. She identified the deceased as her brother-in-law, Sachidanand Singh. She stated that some unknown persons, due to personal enmity, had murdered Sachidanand and disposed of his body in the barren land belonging to the Utility Company near the Durga Temple. During the course of the investigation, on 17.04.2022, Smt. Anita Devi made a further statement expressing suspicion regarding the involvement of Rajesh (*petitioner herein*), Rakesh, and Shalender in the crime. Subsequently, on 03.05.2022, the petitioner was arrested, followed by the arrest of Shalender on 06.05.2022.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 03.05.2022. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner was not named in the FIR and his role

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came in the supplementary statement recorded by the FIR-complainant (Anita Devi) on 17.04.2022 whereas, the FIR in question was registered on 10.04.2022. Learned counsel has iterated that, in any case, said prosecution witness, namely, Anita Devi already stands examined. Learned counsel has further iterated that there is no tangible evidence available against the petitioner. Learned counsel has argued that the petitioner has suffered incarceration for more than 03 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner 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 the custody certificate dated 24.10.2025 in the Court today, which is taken on record.

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

6. The petitioner was arrested on 03.05.2022 whereinafter investigation was carried out and challan has been presented on 06.06.2022. It is not in dispute that out of total 22 cited prosecution witnesses, 15 have been examined till date. It is not in dispute that prime prosecution witness, namely, Anita Devi already stands examined. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of 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.

6.1. As per custody certificate dated 24.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03

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years, 05 months and 22 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. 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 cellphone 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. 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.

9. Ordered accordingly.

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

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

October 28, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No