

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

CRM-M-9992-2025
Reserved on: 01.08.2025
Pronounced on: 19.08.2025

Mohammad Aalam ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kunal Jindia, Advocate,
Mr. Shubham Tandon, Advocate and
Mr. Vicky Sharma, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
313	29.08.2018	Chandhut, District Palwal	302/201/34/467/468/471 of IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 23 of the bail application and 14 of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	165	15.06.2018	186/353/332/34 IPC and 25 of Arms Act	Kotwali, Delhi
2	91	2018	342/395/397/120-B/412/34 IPC and 25/27 of Arms Act	Kotwali, Delhi
3	146	2018	328/379/342 of IPC	Manesar, Gurugram, Haryana
4	447	2018	302/201 IPC	Kosikalan, Mathura (UP)

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“Today, I the present SI, Iliyaas No. 105/RWR was present in the Police Station when the diary No.7089 dated 27.08.2018 from Superintendent of Police, Palwal in case bearing FIR No.444 dated 17.06.2018 under Section 302, 201 of IPC, Police Station Kosikala UP was received in jurisdiction of this Police Station. That on dated

17.05.2018, a dead body of an unknown man in a rotting condition was recovered from Rajwaha in village Nagla Hasanpur in the jurisdictional area of Police Station Kosikala, which had flown down from the Delhi Agra canal. The witness testimony of the unknown man was done by Kosikala Police, UP. That on dated 15.06.2018, the Special Staff, North of North Delhi Police Station, Kotwali on the basis of information supplied by secret informer had apprehended the present Aalam son of Anwar Ali, resident of village Baas Vari, Police Station Thakurganj, District Kishanganj, Bihar and Pavan Kumar Singh alias PK son of haradhan Singh, resident of village Bhelagaachi, Police Station Puthiya, District Kishanganj, Bihar and Praveen son of Satpal Mawi, resident of village Bela, PO Dighot, Police Station Hasanpur in case FIR No. 165 under Section 186, 353, 332, 34 of IPC and Section 25, 27, 54, 59 of Arms Act at Police Station Kotwali, Delhi and from the accused had recovered 3 illegal country made pistols and 6 live cartridges and cars make Innova No.HR-19H-0022 and Bear No.HR-51-BF-0231 and additional mobile phone along with documentations. During disclosure statement, they disclosed the fact that they had dropped their accomplice Raja alias Rajkumar son of Sushil Kumar near Palwal canal and murdered him by throttling his neck with a rope and threw his dead body in the canal. On this information, Sushil Kumar son of Kishan Lal, resident of RZ-28, Guru Harikishan Nagar Patiala, Police Station Bindapur, Delhi reached the Police Station Kosikala, District Mathura and informed that his son Raja alias Rajkumar has been missing from home since 13.05.2018 and requested to be allowed to have a look at the clothes of the dead body of the unknown person recovered from the canals in the jurisdictional area of Police Station Kosikala. That on dated 17.05.2018 he took a look at the clothes recovered from the dead body in the canals and informed that these clothes indeed belong to the son of Sushil Kumar namely Rajkumar, who has been missing since dated 13.05.2018 whose report had been submitted before the Police Station Dwarka Sector-17, Delhi. That on dated 17.06.2018, Sushil Kumar after identifying the clothes of his son Raj Kumar had submitted an application before Police Station Kosikala, which is as follows for your perusal: To, S.H.O. Sir, Kosikala, District Mathura. Respected Sir, it is humbly submitted that my son Rajkumar, who was residing in Flat No.565, Dwarka, Sector 16B, Delhi and who had mobile No.98910650551, he had been missing from his home since dated 13.05.2018 in regards to which we were informed by Special Staff, Delhi Police University, North Delhi that your son Rajkumar has been murdered by his own acquaintances and has been thrown in Palwal canals whose dead body has been recovered from the canals in Kosikala, District Mathura and the accomplices of Rajkumar who had murdered him have been apprehended by us. After reaching Police Station Kosi and recognized the belongings after taking a look at the clothes etc. That the dead body had been recovered on dated 17.05.2018 and it is of my son Rajkumar which had been thrown after killing him in the canals near Palwal. Investigation be done after writing down the report. Sd/ Sushil Kumar son of Kishan Lal resident of RZ-28, Guru Harikishan Nagar, Delhi. On this complaint, a case FIR No.447 dated 17.08.2018 under Section 302, 201 of IPC was registered at Police Station Kosikala and the investigation of the case was initiated by the Kosi Police. During investigation, accused namely Aalan, Pranav Kumar Singh alias PK and Praveen Kumar were arrested by having them participate in the case investigation via production warrant dated 24.07.2018. That during the investigation, Kosikala Police and Delhi Police found the site of incident to be in the area of village Kithwadi, District Palwal, due to which the

present case had been forwarded by the Senior Superintendent of Police, District Mathura from Police Station Kosikalavide letter serial No.95/18 dated 18.08.2018 and received bearing case FIR No.447/2018 under Section 302, 201 of IPC at Police Station Kosikala and the present case was scrutinized carefully by the present SI wherein it was found to be in the jurisdictional area of Kithwadi, Police Station Chandhat in pursuance of which FIR No.313 dated 29.08.2018 under Section 302, 201 of IPC was registered at Police Station Dhandhhut, after which the special report of the present case is being sent to the special officer in the service of concerned officer and subsequent to the present case being registered, I the present SI, shall leave the proceedings of the case. Sd/ SI Iliyaas, Police Station Chandhut, Palwal dated 29.08.2018 at 10:00 P.M."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"13. That it is submitted that the present petitioner was actively involved in killing of Raja Rajkumar since inception and he alongwith other co-accused first hatched up conspiracy and then killed him by strangulation and threw his body in the canal.

INNOVA car no. DL 3CBD 3256 of the deceased Raja@Rajkumar recovered was from lead and demarcation of co-accused Praveen from his house in village Bela, Palwal."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged murder, however, the main point for which the petitioner seeks bail is pre-trial custody. As per custody certificate dated 31st July 2025, petitioner's custody in the present case is around 07 years. Normally with that kind of custody, the bail must be granted, provided it is the first case and the history is not of serious offenses. In the present case, perusal of the custody certificate reveals that the petitioner has another case of 302 IPC registered against him in addition to other serious offences but in that case, he has been discharged on 15.09.2018 as per custody certificate. If this Court grants bail, there is all likelihood that the petitioner will commit another heinous offense and consequently, this Court cannot put society at risk, however the petitioner cannot also be continued in unnecessary custody. Being aware that the High Court should not interfere in the dockets of the trial courts but it is an exceptional case where the petitioner is facing trial for around 7 years and now trial is almost at the fag end, this Court requests the trial Court to expedite the trial on topmost priority. Whatever restriction comes in the way of early disposal of the trial, the trial Court must remove them and take coercive steps to do so.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 07 years cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is life imprisonment.

10. Regarding the delay in the trial, if the trial does not conclude within eight years of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.