

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:176377



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CRM-M-8971-2025 (O&M)
Date of decision:19.12.2025

Gulshan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hardeep Saini, Advocate for the petitioner.

Mr. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.510, dated 26.12.2023, registered under Section 346 IPC (offences under Sections 120-B, 302, 201 and 34 IPC were added lateron), at Police Station Kunjpura, District Karnal.

2. The aforementioned FIR was initially registered under Section 346 IPC on the basis of a complaint submitted by complainant – Ramesh Kumar alleging that his son Sumit had left home on 23.12.2023 and was not traceable since then. During the course of Investigation and on suspicion being raised by the complainant, the present petitioner along with co-accused were joined into investigation. They disclosed that the victim had been murdered. They admitted their involvement in the crime. Place of

occurrence where the murder of the victim was committed was demarcated. At their instance, the dead body of the victim was recovered. It was revealed during the investigation that the victim was in love with the co-accused, Surender Kaur, who was having affair with the present petitioner and due to this, the petitioner was offended with the victim and hatched a conspiracy with the co-accused to eliminate him. The disclosures made by the petitioner and the co-accused revealed that on the fateful night, co-accused had called the victim and made him go towards the fields and on reaching there, the victim was assaulted and strangled by the present petitioner and was done to death. Thereafter, co-accused had been taken to the place of occurrence by the petitioner. Both of them had lifted the dead body of the victim and to cause disappearance of offence of murder, had thrown the same in Western Yamuna river. The dead body was recovered from the said river. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 02.01.2024. There is no eye witness to the murder of the victim. The case is based on circumstantial evidence and no incriminating circumstance has been collected to connect him with the commission of offence of murder of the victim. The trial will take considerable time to conclude. His continued detention would not serve any useful purpose. He has clean antecedents. He has a permanent abode. There are no chances of his absconding. It is, thus, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who by

hatching a conspiracy with the co-accused Surender Kaur had committed the murder of the victim in a brutal manner. Recovery of incriminating material has been effected from him. He along with co-accused had also caused disappearance of evidence of murder by throwing the dead body of the victim into a canal. There are chances of the petitioner's absconding, intimidating the witnesses or committing similar offences, if extended benefit of bail. The CCTV footage of the camera has been collected during investigation, which shows the petitioner and the co-accused while carrying dead body of the victim in a motorbike. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. It is, hence, submitted that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused to eliminate the victim and in pursuance of the said conspiracy, he is alleged to have assaulted the victim and killed him by strangulating him and inflicted other injuries on his person. As per the allegations, the petitioner along with the co-accused had then thrown the dead body of the victim in a canal in order to cause disappearance of evidence of offence of murder. The allegations against him are quite serious in nature. The trial has commenced. Out of 17 witnesses, 05 stand examined. As such, it is going at a proper pace. Even otherwise, in case of serious offences like murder only prolonged incarceration cannot be considered to be sufficient reason for grant of bail. Taking into consideration the gravity of the allegations levelled against the petitioner, the specific part attributed to him, the quantum of

sentence that the conviction may entail and the attendants facts and circumstances but without meaning to make any comment on the merits of the case, lest the same prejudice the trial in any manner, this Court is of the considered opinion that no case for allowing the present petition is made out.

7. Accordingly, the petition is dismissed.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

19.12.2025

harjeet

(MANISHA BATRA)
JUDGE

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