



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

319

CRM-M No.8629 of 2025

Date of decision: 24th April, 2025

Ritesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’) by the petitioner for grant of regular bail in case arising out of FIR No.120 dated 26.03.2024 registered under Section 302 of IPC (Section 34 of IPC added later on), at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. Adumbrated facts as emanating from the record are that on the night of 25.03.2024, on receipt of information regarding dead body of a person found lying at village Gadholi Majra crossing, a Police party had reached there. The complainant- Kamal Kishore Luthra was found present there. He identified the dead body to be that of one Rahul and recorded his statement to the effect that the victim was working as a night watchman in his factory running at village Badi Majra Gadholi Majra. In the morning of the same day, Rahul had gone from the factory to celebrate Holi festival



with his friends. Since, he had not reached back till night hence the complainant had contacted the contractor to look around for Rahul. The contractor-Nagesh informed him after some time about the dead body of victim lying near the factory of the complainant. He disclosed that Rahul had been killed by some unknown persons. FIR was registered. Investigation proceedings were initiated. Post mortem examination of the dead body and inquest proceedings were conducted.

3. As per further allegations, on 30.03.2024, the petitioner was arrested. He was interrogated and suffered disclosure statement admitting that on the day of occurrence, he along with the co-accused Prakash Sahni, Ranjit, Shubham, Omkar and two unknown persons had gone to the factory of the complainant where a dispute had taken place between Parkash Sahni, victim Rahul and one Rajesh. On asking of the co-accused Prakash Sahni, he had slapped Rajesh and victim Rahul and had also caused injuries to them with *dandas*. He further disclosed that thereafter he had come outside and sat in the vehicle in which they had gone and some time thereafter, accused Ranjit, Omkar reached near him along with two unknown youths and disclosed that the victim had been murdered by them with a stone and then all of them had left that place. In pursuance of his disclosure statement, he got recovered a *danda* used by him and also demarcated the place of occurrence. The co-accused could not be arrested. Investigation qua the petitioner stands completed and he is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 31.03.2024. He



was nominated on the basis of statement recorded by Rajesh Barman, an alleged eye witness of the incident, only five days after the incident which shows that, he is a planted witness. The statement of Sukhwinder Singh, under Section 161 of Cr.P.C. was recorded after a gap of more than 2 months from the date of incident. He had no hand in the murder of the victim. A false story has been concocted. The trial would take time. His further incarceration would not serve any useful purpose. Accordingly, it is urged that he deserves to be released on bail.

5. Status report filed by the respondent-State is taken on record.

6. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. His involvement in commission of murder of the victim has been established from the statements of PWs- Sukhwinder and Rajesh Barman who were present at the spot at the time of occurrence. Trial is at its fag end since most of the prosecution witnesses including material witnesses already stand examined. The call detail record of mobile phone of the petitioner was collected during the investigation and same also showed his location at the place of occurrence. It is therefore, argued that the petition does not deserve to be allowed.

7. Rival contentions raised by both the parties have been heard and given due consideration.

8. The petitioner along with co-accused is alleged to have inflicted injuries on the person of the victim Rahul on 25.03.2024 which led to the homicidal death of the victim. Copy of sworn deposition of PW5- Sukhwinder Singh has been placed on record as Annexure P-5 and a perusal of same reveals that he categorically deposed in the Court that the petitioner



along with co-accused had gone to a factory in Badi Majra on the fateful day in his swift car which was used as a taxi and that he along with co-accused had come back from the factory and informed him that they had inflicted injuries to the victim and on their asking, he had left them in a plywood factory. The eye witness Rajesh Barman is yet to be examined. However, most of the witnesses stand examined and there is nothing on record to show that there would any undue delay in conclusion of the trial. The allegations against the petitioner are serious in nature. The location of mobile phone of the petitioner was found to be the place of occurrence only at the relevant time. Keeping in view the nature of allegations as leveled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without making any comments on the merit of the case, lest they prejudice either of the parties, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of the bail. Accordingly, the present petition is dismissed.

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

[MANISHA BATRA]
JUDGE

24th April, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |