



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

211

CRM-M No.8324 of 2025

Date of decision : 09.07.2025

Mohit Chauhan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashwani Gaur, Advocate and
Ms. Shivangi Sharma, Advocate, for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Ramnish Puri, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.191 dated 14.5.2024, under Sections 120-B and 302 of the IPC (Section 201 of IPC was added later on), registered at Police Station Sonipat City, Sonipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Sir, it is requested that I am Chand Singh s/o Umed Singh, permanent resident of village Anwali. We are 6 siblings. Krishan was my elder brother. My brother Krishan was married to Manisha daughter of Dharamvir village Bahu Akbarpur district Rohtak in 2007. My sister-in-law Manisha's conduct was not good from the beginning, due to which my sister-in-law often quarrelled with my brother. From their marriage, a girl



Kanika and a boy Kartik were born, but there was no change in the behavior of my sister-in-law Manisha. Due to the fear of disgrace in the village due to my sister-in-law Manisha's illicit relations and quarrels and due to Manisha's pressure, they stayed in Karnal and later started living in their own house in Indian Colony in Sonipat. My brother was a J.B.T. teacher whose duty was in Jaji village district Sonipat. When my brother used to go on duty, Manisha's lover with whom Manisha had illicit relations used to come home and Manisha used to go to him many times. My brother tried to convince Manisha many times to stop meeting her lover and also told this to Manisha's family but Manisha's family also supported Manisha and threatened my brother Krishan to keep his mouth shut or else we will get you killed because Manisha had illicit relations with her lover even before marriage. Manisha's lover also blocked my brother Krishan 's way many times and said that if you tell anyone about my and Manisha's illicit relations then we will kill you. My brother Krishan told this to the family about which many panchayats were held between Manisha's and our family. In the panchayat, Manisha's family supported Manisha and threatened us that if Manisha is stopped from meeting her lover then we will trap the whole family in a false case by making false allegations and said that we have good contacts in the government and administration. My sister-in-law (bhabhi) Manisha had different phone numbers which my brother Krishan told me and these are as follows. 9996655045, 9466661305, 9996955045, 9996855045 etc. Even after having two children, there was no change in Manisha's behavior. Manisha had trapped both her children in her web and used to meet her lover along with her both children and at night she used to talk to her lover on video call. Both the children did whatever Manisha said. And both the children used to talk with, their grandmother Geeta (nani), Manisha's uncle Suresh, Manisha's sister-in-law Meenakshi, aunt's son Mohit, aunt's son Mahesh and Manisha's maternal uncle and they said that do as your mother says and used to tell Manisha that do whatever you want to do as we are with you. These conversations often happened on video call or speaker phone, where my brother Krishan used to tell his sorrows to us. The above mentioned Manisha's family members and Manisha's lover, Manisha kept threatening to kill my brother. On the afternoon of 22.04.2024, my brother Krishan filed a complaint against



Manisha and her lover with the police, whose complaint no. is 460 PI Dt. 22.4.2024. But on 22.04.24 at midnight, she ran away with her lover, whose camera recording is also with the police, which the police had taken from the neighbour's camera. After searching everywhere, my brother gave another complaint about Manisha's disappearance to the police on 25.4.2024, whose complaint no. is 125-5D dated 25.04.2024. My sister-in-law Manisha had friendship with Pinki Khokhar, wife of Naresh, resident of Mayur Vihar, Sonapat, to whom Krishan used to visit frequently and Manisha also used to go to Pinki's house with both the children. On 27.4.2024, at the behest of Manisha, Pinki Khokhar took Krishan 's daughter Kanika with her without informing anyone, whose missing complaint was lodged with the police by my brother Krishan, whose complaint number is 517 PI dated 27.4.2024. Acting on the complaint, the police found Manisha and Kanika d'o Krishan, with an unknown person in a private hospital in Bahalgarh and Manisha said that she had left the house on her own will and would not go to that house again. The police told this to my brother Krishan and Krishan told the whole thing to me and the family members, after which my brother Krishan filed a divorce case against Manisha. A few days after filing the case, Manisha called Kartik through Pinky Khokhar and sent Kanika home with Kartik. On 13.5.2024, at around 5.30 PM, my sister Krishana received a call from Pinky Khokhar that your brother Krishan is lying blue. It seems he is dead so come and see, after this my sister Krishna called me and I reached my brother Krishan 's house in Sonipat with my family members where my niece Kanika, Pinky Khokhar and the police were present and I saw my brother's body was blue and in a dead state. I am fully convinced that my sister-in-law Manisha, Manisha's mother Geeta, Manisha's uncle Suresh, Manisha's sister-in-law Meenakshi, and cousin Mohit and aunt's son Mahesh, Manisha's maternal uncle, Manisha's lover, Manisha's friend Pinky Khokhar, Kanika daughter Krishan, and Krishan 's son Kartik have conspired and murdered him. Finally, I request you to register a case against all the above and arrest them as soon as possible and get justice for my brother Krishan and the family. Date 14.05.2024 SD: Chand Singh Complainant Chand Singh son of Umed Singh Village Anwali, Sonipat M.No.- 9813337323.'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 10.9.2024. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the role ascribed to the petitioner is at the most of supplying the injections which have been used for the murder of the deceased and as to how to administer the same. Learned counsel for the petitioner has further argued that there is no other role ascribed to the petitioner except for this. Learned counsel has further argued that total 33 prosecution witnesses have been cited, out of which 8 have been examined and one is given up. Learned counsel has further submitted that the prime prosecution witness i.e. the FIR-complainant (Chand Singh) stands examined. Learned counsel has further iterated that there is no likelihood of the petitioner interfering with the remaining prosecution evidence. Lastly, it has been submitted that the petitioner is a person with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised 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 custody certificate dated 7.7.2025 in Court, which is taken on record. Learned State counsel as also learned counsel for the complainant have further argued that the petitioner is indeed an active participant in the crime in question as he is the one who had supplied the injections which had resulted into the murder of the deceased-Krishan. Learned counsel have further submitted that there are CDR (Call Detail Record) available with the prosecution so as to show the



culpability of the petitioner.

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

6. The petitioner was arrested on 10.9.2024 whereinafter investigation was carried out and challan was presented on 3.12.2024. Total 33 prosecution witnesses have been cited out of which 8 stands examined and one has been given up. It is not in dispute that the testimony of the FIR-complainant stands recorded as a prosecution witness. Keeping in view the long list of witnesses, it is indubitable that conclusion of the trial is not in near foresight. The rival contentions by learned counsel give rise to debatable issues which shall essentially 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.

As per custody certificate dated 7.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of nine months and twenty-seven days & is not shown to be involved in any other case. A profitable reference in this regard is being made to a dicta passed by the Hon'ble Supreme Court in ***Gudikanti Narasimhulu And Ors. Vs. Public Prosecutor, High Court Of Andhra Pradesh: 1978 (1) SCC 240***; relevant whereof reads thus:

“We must weigh the contrary factors to answer the test of reasonableness,



subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on the inhuman, of our sub jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeting justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution.

Viewed from this perspective, we gain a better insight into the rules of the game. When a person, charged with a grave offence, has been acquitted at a stage, has the intermediate acquittal pertinence to a bail plea when the appeal before this Court pends ? Yes, it has. The panic which might prompt the accused to jump the gauntlet of justice is less, having enjoyed the confidence of the court's verdict once. Concurrent holdings of guilt have the opposite effect. Again, the ground for denial of provisional release becomes weaker when the fact stares us in the face that a fair finding-if that be so of- innocence has been recorded by one court. It may not be conclusive, for the judgment of acquittal may be ex facie wrong, the likelihood of desperate reprisal, if enlarged, may be a deterrent and his own safety may be more in prison than in the vengeful village where feuds have provoked the violent offence. It depends. Antecedents of the man and socio-geographical circumstances have a bearing only from this angle. Police exaggerations of prospective misconduct of the accused, if enlarged, must be soberly sized up lest danger of excesses and injustice creep subtly into the discretionary curial technique. Bad record and police prediction of criminal prospects to invalidate the bail plea are admissible in principle but shall not stampede the court into a complacent refusal. Realism is a component of humanism which is the heart of the legal system. We come across cases where parties have already suffered 3, 4 and in one case (the other day it was unearthed)



over 10 years in prison. These persons may perhaps be acquitted-difficult to guess. If they are, the injustice of innocence long in rigorous incarceration inflicted by the protraction of curial processes, is an irrevocable injury. And, taking a pragmatic view, while life imprisonment may, in law, last a whole life, in practice it hardly survives ten years, thanks to rules of remission. Thus, at the worst, the prisoner may have to serve some more years, and, at the best, law is vicariously guilty of dilatory deprivation of citizen's liberty, a consummation vigilantly to be vetoed. So, a circumstance of some consequence, when considering a motion for bail, is the period in prison already spent and the prospect of the appeal being delayed for hearing, having regard to the suffocating crowd of dockets pressing before the few Benches.

It is not out of place to mention that if the State takes up a flexible attitude it may be possible to permit long spells of parole, under controlled conditions, so that fear that the full freedom if bailed out, might be abused, may be eliminated by this experimental measure, punctuated by reversion to prison. Unremitting insulation in the harsh and hardened company of prisoners leads to many unmentionable vices that humanizing interludes of parole are part of the compassionate constitutionalism of our system."

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 cell-phone 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.

(SUMEET GOEL)
JUDGE

09.07.2025
Ajay

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