

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

CRM-M-9257-2025

Reserved on: 17th March, 2025

Pronounced on: 24th March, 2025

Nishant

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

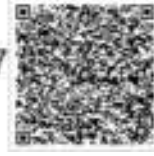
Present: Mr. Lokesh Sharma, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 276 dated 25.12.2022 registered under Sections 302, 120-B read with Section 34 of IPC (Sections 394, 397, 201 and 404 of IPC and Section 25 of Arms Act, 1959 added later on) at Police Station Bahuakbarpur, Rohtak.

2. As per the allegations, on 24.12.2022, victim Anil Kumar Arora, who was an army retired personnel and was doing work of Network marketing in Forsage company, had left his house at about 10:00 AM by informing his family members that he was going to Rohtak as he had received a call from someone. He did not return till evening. The complainant made repeated calls to his father but he did not respond. At



about 10:00 PM, the phone of his father was picked up by some police official, who informed that his dead body was found lying on the *kacha* path near the Rajvaha of village Muradpur Tekhna. His car was also lying at the same spot. FIR was registered against unknown person. Investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted.

3. As per the further allegations, during the course of investigation, statement of Sidharath son of the victim had been recorded, who informed that the victim had disclosed to him that he was doing share market business with the co-accused Sachin and since a dispute has arisen between him(victim) and Sachin on money transaction, he was going to his village to sort that out. He raised suspicion that the victim had been murdered by Sachin along with his accomplices. Accused Sachin was arrested on 26.12.2022. He suffered disclosure statement to the effect that he along with the petitioner and co-accused Vikas @ Chaudhary, had committed murder of the victim. On disclosure statement of co-accused Sachin, the present petitioner Nishant @ Nishu and Vikas were arrested on 26.12.2022. Offences under Section 201 of IPC and Section 25 of Arms Act were added. Investigation stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he was not named in the FIR and has been arrested in this case on the basis of a disclosure statement of co-accused, which cannot be considered to be admissible in evidence. There is no independent witnesses to the factum of murder of the victim. Case rests upon circumstantial evidence and no

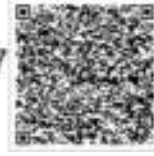


circumstance has been made out as against the petitioner. A false recovery of knife has been planted upon him. He is in custody since 06.12.2022. Only 04 out of 27 witnesses, have been examined so far. The material witnesses namely Rohit Arora-PW-1, PW-2-Rishabh Arora, PW-3-Sidharth Arora, PW-4 Nirbhay Singh, had not supported the prosecution version and have not connected the petitioner with the commission of subject offences. His further incarceration would not serve any useful purpose. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that the victim had been brutally murdered. He had sustained as many as 18 injuries which were all incised wounds. The belongings of the victim had been recovered at the instance of the co-accused. The allegations against the petitioner are serious in nature. The fact that the complainant has not deposed anything against the petitioner does not come to his rescue. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused Sachin and in pursuance thereof, he is alleged to have committed murder of the victim. The complainant Rohit Arora has been examined before the learned trial Court as PW-1. Copy of his sworn deposition as well as other family members of the victim, have been produced on record and the same show that none of them has made any deposition as against the



petitioner. However, since neither of them was an eye-witness to the murder of the victim, therefore, no benefit can be taken of the fact that they have not identified the petitioner as one of the assailants. The allegations against the petitioner are quite serious in nature. The knife used by the petitioner for causing injuries to the victim resulting in his death, has been recovered at his instance. Keeping in view the nature of the accusations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

24th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*