

2025:PHHC:064421



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.9637 of 2024
Date of Decision: 15.05.2025
Reserved on: 12.05.2025

Vinay ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aakash Mudgal, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

Mr. V.S. Rana, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
198	16.09.2022	Dujana, District Jhajjar	302, 201 and 34 of IPC

2. As per the allegations, on 16.09.2022, on receipt of an information about the dead body of one unknown person found lying near Rohtak Rewari flyover, Jhajjar, a police party reached there where the complainant Dharam Pal submitted a written complaint informing that he had found the dead body of the abovesaid person lying on the road

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leading to his field in the morning. The aforementioned FIR was registered. Investigation proceedings were initiated. On 17.09.2022, the dead body was identified to be that of victim Mayank by his father Jagdev Singh. Jagdev Singh subsequently moved an application on the basis of which the present petitioner along with co-accused Vinayak and some other persons were nominated as accused. The petitioner along with the co-accused was arrested on 21.09.2022. He was interrogated and suffered disclosure statement and demarcated the place of occurrence. The petitioner and co-accused Vinayak also demarcated the place where the vehicles used in the crime were kept and the same were recovered. The clothing worn by the petitioner at the time of occurrence was also recovered at his instance. Investigation now stands concluded and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. There is no eye-witness to the factum of murder of the victim. The case rests upon circumstantial circumstance and there is no circumstance to connect him with the crime. There is no witness of the last seen circumstance as relied upon by the prosecution. The witnesses of last seen have turned hostile. The trial will take considerable time to conclude since most of the prosecution witnesses remain to be examined. His further incarceration would not serve any useful purpose. Due to prolonged litigation, he is entitled to be extended benefit of bail. Therefore, it is argued that the petition deserves to be

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allowed.

4. Status report has already been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. Material witnesses have been examined. As many as ten prosecution witnesses have been examined. The trial is going on at a good pace and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The CCTV footages collected during the course of investigation have been proved in evidence and reveal the involvement of the petitioner in committing offence of murder of the victim. The CCTV footages show the petitioner and the co-accused while taking the victim along with them in a Verna car. These CCTV footages are quite clear and have been proved in testimony of PW-10 Jagdev Singh. Merely because of the fact that there is no eye-witness to the occurrence, the petitioner cannot be considered to be innocent. With these submissions, it is urged that the petition is liable to be dismissed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have taken the victim Mayank along with him on 15.09.2022 and they are further alleged to have committed his murder. The CCTV footages of the camera collected during the course of investigation have revealed that the petitioner and the deceased were seen boarding in a common vehicle in the vicinity of the village of the deceased. Not even this, they were lastly seen together with



each other at a grocery shop and liquor shop. No doubt, PW-4 Ram Kumar who had allegedly seen the victim and the accused together at a liquor vend, PW-5 Sunny and PW-7 Prince who were also witnesses of the last seen are not shown to have supported the prosecution version and resiled from their respective statements as recorded before the learned trial. However, only due to that reason, the petitioner cannot be considered to be absolved of the allegations as levelled against him which are quite serious in nature. PW-10 Jagdev Singh is shown to have identified the victim, the petitioner and the co-accused in different CCTV footages which have been collected by the investigating agency. In view of the above discussed facts, taking into consideration the nature of the allegations, the quantum of sentence which the conviction may entail but without meaning to make any comment on the merits of the case lest the same prejudices the trial, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition stands dismissed.

15.05.2025
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(MANISHA BATRA)
JUDGE

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