

2025 PHHC 172529



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-10067-2025

Date of decision: 10th December, 2025

Jaswant @ Lambu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R. S. Dhull, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 496 dated 09.09.2021 registered under Sections 302 and 201 read with Section 34 of IPC at Police Station Sampla, District Rohtak.

2. As per the allegations, on 09.09.2021, on receipt of an information regarding dead body of an unknown youth found lying in the pond of village Gandhara, a police party had reached there and then recorded the statement of Bala @ Bali, mother of the deceased who was identified as Davinder. She alleged that on the previous evening her son Davinder was seen going along with Manish, Vikas @ Nanha, Vicky and Sandeep all co-villagers and thereafter his dead body has been found. She raised suspicion that the above named persons in connivance with some other persons had killed her

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son and had thrown his dead body in the pond. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim and inquest proceedings were conducted. The complainant presented the complaint on 10.09.2021 and saying that she had checked the CCTV footage of the vicinity and had seen the present petitioner while taking her son on a motor bike on the night of the incident. The petitioner was nominated as an accused. He along with the co-accused Deepak @ Mota was arrested on 10.09.2021. He suffered disclosure statement admitting his involvement in the crime, got recovered the weapons of offence and also demarcated the place of occurrence. The co-accused were also arrested. 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 for a period of over four years and two months. The complainant and her son Mukesh have since been examined and neither of them has implicated the petitioner in commission of the subject offences. Trial is likely to take considerable time to conclude as 16 out of 31 prosecution witnesses have been examined so far. There was no eye-witness of the murder of the victim and the case is based on circumstantial evidence. However, no incriminating circumstance has been collected against the petitioner. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Custody certificate has been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the

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petitioner. The weapon of offence was recovered at his instance, and he had also demarcated the place of occurrence. The CCTV footage shows him along with the victim on the fateful night. There are chances of his absconding or committing similar offences if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The dead body of the victim was found lying in a pond of his village. There is no eye-witness to the occurrence. As per the complaint submitted by the complainant to days after the incident, the petitioner was seen going along with the victim on a motor bike. However, now she has been examined as PW-2 before the learned trial Court and has not implicated the present petitioner. She is shown to have stated that she had not moved any complaint whatsoever. She has also stated that no CCTV footage had been seen by her and it was seen by her son. Her son Mukesh has been examined as PW-3 and is shown to have stated that he could not identify the persons who were seen in the CCTV footage contained in pen drive produced before the learned trial Court as Exhibit M-4. There is no other circumstance to connect the petitioner with the crime. He is in custody continuously since 10.09.2021. Trial is obviously take time to conclude as several witnesses are yet to be examined. The prolonged incarceration and inordinate delay in conclusion of trial generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation,

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an accused becomes entitled to get benefit of bail. Reliance in this regard can be placed upon *Sagar Ashok Satkar vs. The State of Maharashtra, 2024 SCC OnLine 1748*, wherein Hon’ble Supreme Court had granted concession of bail to the accused on the grounds of delay in trial as well as prolonged incarceration. Similar view has been expressed by the Hon’ble Supreme Court in *Nilesh Vithoba Gadade vs. The state of Maharashtra and another, Criminal Appeal No. 3040 of 2025, decided on 18.07.2025*. Taking into consideration the above discussed facts, also the ratio of law as laid down in the aforecited authorities, that the trial will take time to conclude and his further incarceration would not serve any useful purpose, this Court is of the considered opinion that a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

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

[MANISHA BATRA]
JUDGE

10th December, 2025
Parveen Sharma

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