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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10799 of 2025
Date of Decision: 07.05.2025
Reserved on: 28.04.2025

Ritesh @ Reetesh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prashant Singh Chauhan, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
30	14.02.2023	Sector-6 Dharuhera, District Rewari	302 and 34 of IPC (279, 336, 427, 392 and 397 of IPC added later on)

2. Adumbrated facts as emanating from the record are that on the night of 14.02.2023, on receipt of an information about a tanker vehicle bearing registration No.GJ 12BX 9215 lying parked at service

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road near Shri Balaji Dharam Kanta and dead body of a person lying there, a police party had reached there and had got the dead body shifted in the mortuary of Civil Hospital, Rewari whereas the tanker vehicle was taken into custody. On the same day, the complainant Hemender identified the dead body to be that of his brother Ratan Pal and submitted a written complaint alleging that Ratan Pal was a truck driver by profession and used to drive tanker vehicle pertaining to State of Gujarat. On the evening of 13.02.2023, he had made a call to the complainant informing him that he had reached Haryana Border and would leave after sometime after getting fuel filled in his vehicle. He alleged that on the same night, Dev Ji, registered owner of the tanker vehicle informed him on his phone that he had received information about death of Ratan Pal and then he had reached at the spot. On the basis of his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, one bag containing some clothing and Aadhar Card of co-accused Santosh was found kept in the tanker which was taken into custody. The call detail record and tower location of mobile phone of accused Santosh were obtained which showed his presence at the place of occurrence. He was arrested on 17.02.2023. He was interrogated and suffered disclosure statement admitting the involvement of the petitioner, co-accused Arjun and himself in the murder of the victim. On the basis of his disclosure statement, the present petitioner was nominated as such. Accused Arjun was arrested on 17.02.2023. Offences under Sections 392 and 397 of IPC were added. The

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petitioner was arrested on 18.02.2023. He too suffered disclosure statement and got recovered his mobile phone along with its SIM. Presently, 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 is in custody since long. There is no eye-witness to the occurrence. The case is based on circumstantial evidence and there is no circumstance to link him with the murder of the victim. The co-accused Arjun and Santosh have been extended benefit of bail. On parity, the petitioner too deserves to be extended the same benefit. The trial is likely to take considerable time to conclude. His further incarceration would not serve any useful purpose. Accordingly, it is argued that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are grave and serious allegations against the petitioner. The call detail record and tower location of his mobile phone showed his presence together with the deceased and the co-accused at the time of occurrence. Infact, the petitioner had hatched a conspiracy with the co-accused and in pursuance thereof had throttled the neck of the victim with a towel and had snatched a sum of Rs.3000/- from him. The trial has commenced. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. The prolonged period of custody is not a ground to extend benefit of bail to the petitioner since he is accused of

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a heinous crime. Accordingly, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have committed the murder of the victim on the night of 13.02.2023 and is alleged to have looted cash amount of Rs.3000/- from the custody of the victim. The victim had died a homicidal death. The allegations against the petitioner are serious in nature. The investigating agency collected call detail record of mobile phones of the petitioner, co-accused as well as the deceased which showed their presence at the place of occurrence at the relevant time. The allegations prima facie point towards the involvement of the petitioner. His counsel has prayed for grant of bail on parity with the co-accused. Annexure P-4 is copy of order dated 28.11.2024 passed by Coordinate Bench showing that the co-accused were extended benefit of bail. The circumstance that call detail record of cell phone of the petitioner, the deceased and the co-accused showed their presence at the place of occurrence at the relevant time is not shown to be brought to notice. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, he is not entitled to bail on parity. The petition stands dismissed.

7. Any observation made hereinabove will neither be considered as an expression of opinion on the merits of the case nor the trial Court shall



advert to these observations while deciding the case on merits.

07.05.2025
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(MANISHA BATRA)
JUDGE

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