



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

CRM-M-10793-2025

Date of decision : 20.05.2025

Krishan Kumar Saraswat

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manish Soni, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition has been made for grant of regular bail to the petitioner in case FIR No.418 dated 15.09.2023, under Sections 302, 201, 120-B of IPC (Section 344 of IPC added lateron), registered at Police Station DLF (Sector-29), District Gurugram.

2. Succinctly, the facts of the case are that the FIR in the present case was registered on the basis of secret information received to the Police. It was informed that Pritam Bhardwaj was running his Guest House in Plot No.124, Sector-27, Gurugram. He had kept a boy, namely, Pankaj Singh Dhanik @ Deepak (deceased) resident of Village Silipakh District Pithoragarh, Uttrakhand, for cleaning the utensils. About a month ago, Pritam Bhardwaj and his colleagues gave beatings to Pankaj Singh Dhanik @ Deepak on the allegation of theft. On account of the beatings given to him, he died the previous night and Pritam Bhardwaj along with his colleagues had disposed of the dead body of Pankaj Singh Dhanik @ Deepak. On receiving the secret information, the police raided the said Guest House and enquired from Pritam Bhardwaj and employees of the Guest House, namely, Pankaj Kumar and Manager namely, Krishna



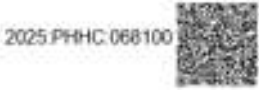
Kumar Saraswat (petitioner). They disclosed about the manner in which Pankaj Singh Dhanik @ Deepak, who was working in the Guest House as Cleaner, was killed by them and thereafter, disposed of his dead body. From the investigation of the accused persons, namely, Pritam Bhardwaj, Pankaj Kumar and Krishna Kumar Saraswat, the dead body of Pankaj Singh Dhanik @ Deepak (deceased) was recovered and thus, the FIR was registered for the offence under Sections 302, 201 and 34 of IPC. On registration of the FIR, investigation commenced and the petitioner was arrested on 15.09.2024. The disclosure statement of the accused, statements of witnesses and postmortem etc. were conducted. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of bail. However, after hearing both the sides and finding no merit, same was declined vide order dated 06.02.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case on the basis of suspicion. He submits that the petitioner has been implicated in this case on the basis of disclosure statement and suspicion only. He submits that statement of witness PW-2, namely, Leela was recorded who has not supported the case of prosecution. He submits that it is, thus, apparent that the dead body of Pankaj Singh Dhanik @ Deepak, has not been recovered on the basis of disclosure statement of the petitioner. He submits that Prashant and Raj Kumar have been examined as PW-3 and PW-4, whereas Vijay Singh Dhanik (brother of the deceased) and Diwan Singh Dhanik (father of the deceased) have been examined as PW-6 and



PW-7 and they have also not supported the case of the prosecution. He thus, submits that the material witnesses have not supported the case of prosecution and thus, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has also opposed the submissions made by learned counsel for the petitioner and submits that the FIR in the present case was registered on receiving the secret information about the murder of Pankaj Singh Dhanik @ Deepak in the Guest House. The Guest House was raided and investigation was conducted. On disclosure of the petitioner, who was the Manager of Guest House and that of the co-accused, i.e. the owner of Guest House, the conspiracy in which the murder was carried out was unearthed and on their disclosure, the dead body was recovered from Jungles. The postmortem of the dead body was conducted and the ocular version was found to be corroborated from the postmortem. The cause of death was found to be of shock and hemorrhage on account of the injuries caused to the deceased. He submits that the mobile phones of the accused and the DVR and CCTV Cameras installed at the place of occurrence had also been taken into possession. It is submitted that the petitioner was working as a Manager at the Guest House where the deceased was beaten up time and again by the petitioner and the co-accused. Instead of getting the deceased medically treated, all the accused themselves started beating him in the Guest House so as to conceal their complicity, however, the deceased succumbed to the injuries and hence, they dumped the dead body in the Jungles and thus, made an attempt to destroy the evidences. It is submitted that turning hostile of some of the witnesses do not shake the credibility of prosecution case. It is submitted that out of total 17 prosecution witnesses, 07 witnesses have been examined so far. He has



placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the deceased was working in the Guest House of Pritam Bhardwaj. The petitioner was working as a Manager in the Guest House. It has been found during investigation that the deceased was suspected to have stolen some articles on account of which Pritam Bhardwaj along with his co-accused had given him beatings time and again. He was not allowed to get treatment from some doctor, however, he was kept confined in Guest House itself and they all started giving him medicines in the Guest House itself. However, the deceased succumbed to the injuries. After his death, the dead body was disposed of. On the disclosure statement of the petitioner and the co-accused the dead body was recovered. As submitted, only 07 witnesses have been examined so far. This Court would refrain from commenting on the merits of case especially the fact that some of the witnesses have turned hostile and the same would lie in the domain of the trial Court on the appreciation of the evidences led by both the sides.

6. Keeping in view the overall facts and circumstances of the case and the gravity of offence, this Court finds that the petitioner does not deserve the concession of bail and the present petition is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.05.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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