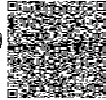


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

201

CRM-M-15334-2025 (O&amp;M)

Date of decision: 01.07.2025

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aditya Sanghi, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

**MANISHA BATRA, J. (Oral)**

1. The instant one is the second petition, which has been filed by the petitioner for grant of regular bail in case bearing FIR No. 263 dated 23.08.2023, registered under Sections 302, 384 and 120-B of IPC and Section 66-E of the Information Technology (Amendment) Act, 2008 at Police Station Kalayat, District Kaithal. The first petition, bearing number **CRM-M-9124-2024**, was dismissed by this Court, vide order dated 05.09.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement of complainant Sumit alleging therein that victim Sanjay was married with one Reenu. There was matrimonial dispute between the victim and his wife. She had left her matrimonial home on 18.08.2023. Panchayats were also convened but she was not ready to live with the victim. On the morning of 23.08.2023, the dead body of the victim was found hanging in his house. By alleging that

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on the previous night, three persons had come to the victim in a Creta vehicle and had left after two hours and also by alleging that the family of the wife of the victim had hand in his unnatural death, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted. The viscera contents were sent for histopathological examination. It was revealed during investigation that the vehicle, which had come to the place of occurrence on the fateful night, belonged to one Surinder Singh and was used by his nephew Sujjal Rathore. On collecting call detail record of accused Sujjal Rathore, he was found to be in contact with co-accused Mehak, Muskan and the present petitioner at the relevant time. Co-accused Sujjal Rathore and Divesh were arrested on 25.08.2023. They were interrogated and suffered disclosure statements which revealed that co-accused Divesh was having homosexual relationship with the victim from quite some time and he had been extorting money from the victim by extending threats to him to make his videos viral. On the fateful night, the victim had refused to pay money to co-accused Divesh and hence, he was murdered and then hanged with a fan. Both the above named co-accused also disclosed about the participation of the present petitioner in the murder of the victim.

3. The petitioner was arrested on 28.08.2023. He too suffered disclosure statement admitting his involvement in the crime. Presently, he along with the co-accused is facing trial.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 28.08.2023. Trial is proceeding at a snail's pace. Only one witness has been examined so far. Co-

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accused Mehak and Muskan, whose case is at par with that of the petitioner, have been extended benefit of bail. The petitioner was not named in the FIR. No specific act has been attributed to him. The prosecution has relied upon digital footprints in the form of mobile location and disclosure statements of the co-accused for connecting the petitioner with the crime. The disclosure statements of the co-accused cannot be considered to be relevant for the purpose of involving the petitioner in the subject crime and are not legally admissible in evidence. It was only a case of the presence of the petitioner at a wrong place at a wrong time. He did not have any direct role in the incident. He is a student having no criminal antecedents. There is no evidence as to any financial transaction between the victim and the petitioner. Only because of his presence or association with the co-accused, he cannot be considered to be a participant to the murder of the victim. As per the report (Annexure P-12), prepared by the medical board of the doctors, the cause of death is combined effect of asphyxia and venous congestion consequent to constriction of neck by ligating material as a result of hanging and it is debatable as to whether it was a case of strangulation at all as the findings are suggestive of suicidal hanging by the victim. The calls detail record of the petitioner does not show any active usage or exchange of messages within certain radius of the vicinity where the occurrence took place at the relevant time. There is no forensic or digital evidence linking his mobile to any extortion call. The petitioner is in custody since long. His further incarceration would not serve any useful purpose. He is suffering from a severe spinal disease and his condition is worsening. With these broad submissions, it is urged that he deserves to be extended benefit of bail.

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5. Status report has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Haryana that the allegations against the petitioner are serious and specific in nature. His involvement in the crime stands established from the allegations. His previous petition was dismissed by passing a detailed order by this Court by taking into consideration all the facts and circumstances as raised in the present petition. The petitioner has failed to make out a case of any substantial change in the circumstances. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the petitioner. 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 be a part of conspiracy hatched by co-accused Divesh, in pursuance of which, he along with co-accused assaulted the victim to that extent that he had died and thereafter his dead body is alleged to be hanged with a fan. Burn marks were found on the dead body of the victim, which are clearly indicative of his homicidal death. The petitioner's own case is that he had gone to the house of the victim on the fateful night and had left late along with two co-accused. As per the allegations, he had assaulted the victim and is alleged to have made an active participation in the commission of the crime. The case of the petitioner cannot be stated to be at par with that of co-accused Mehak and Muskan as there is no allegation against them that they had hatched any conspiracy with co-accused to cause death of the victim under unnatural circumstances or had made any participation in the crime at all. The prolonged/extended period of

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incarceration is not a ground to extend benefit of bail to the petitioner in the given circumstances. There are serious and specific allegations against the petitioner. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, 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. Hence, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

01.07.2025

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*