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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15486 of 2025
Date of Decision: 16.09.2025
Reserved on: 04.09.2025

Ram Ashish @ Manish Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amarsh Dudeja, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

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
415	14.12.2019	Chandimandir, District Panchkula	302, 201 and 34 of IPC

2. As per the allegations, the victim Mohd. Mobin was working as a foreman in Om Packing Industries, Barwala (Haryana). His family was residing in District Hapur (UP). On 14.12.2019, his son Gulzar i.e. the complainant received information regarding sustaining some injuries by his father and about his admission in a hospital. The complainant along with his family members rushed to Panchkula wherein his father

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had been got admitted but on the way received intimation about death of his father. He went to the room of his father and found that the bed sheet, blanket, some cloth kept on the cot and the footwear were blood strained. On making inquiry, he was informed that on the previous night, the petitioner and co-accused Shintu had slept in the same room and now they were missing. Suspecting that the petitioner and co-accused had committed murder of his father, he prayed for taking action.

3. After registration of FIR, investigation proceedings were initiated. The co-accused Shintu Kumar was joined into investigation and arrested on 13.11.2020. He suffered disclosure statement on interrogation admitting involvement of the petitioner and himself in the crime and disclosed that they had caused injuries to the victim with the help of iron rod. The petitioner was arrested on 13.01.2021. He too was interrogated and disclosed that he was working in the same factory wherein the deceased was working. He had befriended with one Nirmala and this fact was not liked by the victim who used to quarrel with him. Feeling offended, he had conspired with the co-accused to eliminate the victim and on the intervening night of 13/14.12.2019, they had gone to his room. The co-accused Situ had caught hold of the victim whereas he had caused injuries on his head with an iron rod resulting into his death. He also got recovered the iron rod used in the crime. Offence under Section 201 of IPC was added. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case. He is in custody since long. Out of 21 prosecution witnesses, only 06 witnesses have been examined so far. Though he was named in the FIR but there is no direct evidence of his involvement in the murder of the victim. The entire prosecution story qua his complicity is based on hearsay evidence. There is no one who had seen himself and the co-accused while going to the room of the victim and causing injuries to him. The trial will take considerable time to conclude. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that there are serious allegations against the petitioner. He was named in the FIR. Recovery of incriminating material has been effected from him. It is, therefore, urged that he does not deserve to be released on bail.

6. This Court has considered the rival submissions.

7. The case is based on circumstantial evidence as there is no eye-witness to the murder of the victim. Though in the FIR lodged by the complainant Gulzar, he had named the petitioner and co-accused Shintu Kumar as the assailants of the victim, however, in his sworn deposition, copy of which has been placed on record as Annexure P-2, he is shown to have stated that he had taken names of the petitioner and above Shintu Kumar on the basis of an information received by some workers of the factory. Neither he has disclosed the names of those workers nor they have been cited in the list of witnesses. The petitioner is in custody since

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13.01.2021 i.e. for a period of 04 years, 08 months and 03 days. Only 6 out of 21 witnesses have been examined so far. Obviously, the trial is delayed and there is no likelihood of the same to conclude in near future. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.

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- (iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit granted by this court.

- 8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.
- 9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.09.2025
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(MANISHA BATRA)
JUDGE

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