



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

CRM-M-21763-2025

Date of Decision: 02.12.2025

RINKU

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana
assisted by ASI Yogesh Kumar.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is the first application under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.19, dated 14.01.2023, registered at Police Station Badshahpur, District Gurugram, Haryana under Sections 302 and 307 of IPC, 1860 and Section 27(1) and 25(1-B) (a) of Arms Act, 1959.

2. Supplementary status report by way of an affidavit dated 29.11.2025 of Surender Singh, HPS, Assistant Commissioner of Police, Badshahpur, Gurugram filed on behalf of the respondent-State is taken on record. Registry is directed to tag the same at an appropriate place.

3. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

4. Present was registered on the statement given to the police



by Sapna, wife of Sohan, with the allegations that she is presently residing at Village Begumpur Khatola, District Gurugram, along with her husband and two children in the house of one Sarjeet as a tenant. She had married Sohan 08 months ago, which is her second marriage, and earlier, she was married to Rinku. On 13.01.2023 at about 8.00 pm, her husband returned from duty and suddenly someone forcibly opened the door of the room and fired a shot at her husband, which hit him in his neck. She ran out of the room, but the assailant ran away from the spot. However, she identified him to be her previous husband Rinku, who was nursing a grudge on account of her marriage with Sohan and had earlier threatened to kill him. She alleged that Rinku had fired a shot at her husband with the intention to kill him. The victim was taken to the hospital, but during treatment he died. The petitioner was arrested on 17.01.2023 and he got recovered the pistol used in committing the crime. After completion of investigation, the final report under Section 173 Cr.P.C. has been presented in Court for trial.

5. Learned counsel for the petitioner contended that the petitioner has been falsely implicated merely on the basis of suspicion. The offence, in question, was committed by some unknown person. Learned counsel further contended that the only material witness, namely Sapna, who is the complainant, has been examined during the trial as PW-7, but she has not supported the prosecution case and has categorically stated that she does not know anything as she was in the washroom at the time of the incident, and she has not uttered anything incriminating against the accused during her cross-examination. Rather, during cross-examination by learned defence counsel, she has admitted



that the assailant had left behind the weapon at the scene of crime itself. Learned counsel next contended that the incident had taken place on 13.01.2023 and the deceased was discharged from the hospital on 26.01.2023, but later on, he died due to septicemia as mentioned in the impugned order dated 03.02.2025 (Annexure P-4). Learned counsel lastly contended that there is no other eye witness except the complainant, who has not uttered anything incriminating against the petitioner. Learned counsel further contended that as per the report of the FSL, the bullet extracted from the dead body was found to have been fired from the pistol allegedly got recovered by the petitioner but this fact is not sufficient to connect him with the alleged offence of her murder, as no direct evidence has come against him. Moreover, the complainant during cross-examination has admitted that the assailant had left the weapon of offence at the place of incident itself. Learned counsel contended that the petitioner is in custody since 17.01.2023. Now, only official witnesses remain to be examined and there is, thus, no possibility of the petitioner winning over and intimidating the witnesses. The trial is likely to take a sufficiently long time to conclude and, in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

6. On the other hand, learned State counsel has opposed the bail and has sought dismissal its dismissal on account of gravity of offence.

7. The complainant, namely Sapna, who is the eye witness, has turned hostile and has not supported the prosecution case. She has categorically stated that she was not present at the spot at the time of the



incident and was in the washroom. She has also stated that the assailant had left behind the weapon of offence. As such, it will be a debatable question during the trial as to whether the petitioner had got recovered the weapon of offence or not, and the same shall be a moot question during the trial. After completion of investigation, the final report under Section 173 Cr.P.C. has been presented in Court for trial. The petitioner is in custody since 17.01.2023. The trial is likely to take a sufficiently long time to conclude and, in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

02.12.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No