



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

**214**

**CRM-M No.25203 of 2025 (O&M)**

**Reserved on :20.08.2025**

**Pronounced on: 26.08.2025**

**Dheeraj Gautam**

**.....Petitioner**

**Versus**

**State of Haryana**

**..... Respondent**

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

**Argued by:** Mr.Rakesh Kumar Lathwal, Advocate for the petitioner.

Mr. Ved Parkash, Sr. D.A.G. Haryana.

**SURYA PARTAP SINGH, J. (Oral):**

1. On 22.01.2023, vide FIR No.39 a case under Section 302 IPC read with Section 34 IPC was registered in Police Station Bahalgarh. During the course of investigation of above mentioned case the petitioner has been arrested. From the date of his arrest, i.e. 24.01.2023, the petitioner is in custody.

2. Briefly stated, the facts emerging from record are that the above mentioned FIR came into being in view of the statement of Durga son of Birbal. In his complaint the above named complainant informed the police that his father was a truck driver of truck bearing No.MH-043K-7055 and that on 17.01.2023, he had left home in his truck for Dawat Rice Mill, Sonapat. According to complainant for the last 2-3 days the mobile phone of his father was switched off and that on 21.01.2023 another driver of the company namely



Yashin informed him that his father namely Birbal, was lying dead in his vehicle near the rice mill. The complainant further alleged that in view of above mentioned information, he reached the spot and found the dead body of his father, which was carrying no injury marks. As per complainant, he suspected that his father had died due to heart attack and intimated the police.

3. Accordingly, it was further contended by the complainant that when post mortem of the body of his father was conducted it was found that the reason behind his death was strangulation. According to prosecution, in view of above mentioned complaint, formal FIR of this case was lodged, and the investigation taken up. During the course of investigation, on the basis of evidence collected by the Investigating agency the petitioner was arrested. According to prosecution, investigation in this case is already complete and the final report under Section 193 of BNSS has been filed in the Court.

4. Heard.

5. It has been argued by learned counsel for the petitioner that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 2 years and 6 months. According to learned counsel for the petitioner, the instant case is a case where there is no eye witness account, and the presence of petitioner on the spot at the time of commission of offence, in itself, is doubtful. According to learned counsel for the petitioner, the story set up by the prosecution is self-contradictory, as according to prosecution an accident between the truck of the deceased and the petitioner had taken place and in the above mentioned incident of road rage the petitioner along with conductor of his truck attacked the deceased and strangled him. With



regard to above mentioned story, the learned counsel for the petitioner has argued that the entire prosecution case in the absence of any eye-witness account is based upon a CCTV footage and the CCTV footage collected by the police shows that only the conductor of the truck who had alighted and attacked the deceased.

6. In addition to above, learned counsel for the petitioner has also argued that the evidence collected by the prosecution is weak in nature and neither enmity nor any motive behind the commission of offence has been proved.

7. Per contra, learned State counsel has argued that there is ample scientific evidence to prove the involvement of petitioner in the commission of offence and that with regard to presence of petitioner on the spot at the time of commission of offence irrefutable evidence is available with the prosecution. As per learned State counsel if the petitioner is released on bail, he is likely to misuse the same and, therefore, he is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, for the decision of present bail application, following are the factors which are relevant for arriving at any decision: -

- (1). that the petitioner has already suffered sufficient incarceration for being in custody for a period of 2 years 06 months and 29 days;
- (2). that investigation in the present case is already complete and the final report has been filed in the Court;
- (3). that nothing is left to be recovered from the possession of accused;



- (4). that the trial is not likely to be concluded in near future as out of 28 witnesses only 8 witnesses have been examined so far;
- (5) that owner of the truck who had informed the police about the identity of the driver of the truck, involved in the accident with the truck of deceased, has not supported the prosecution case;
- (6). that all the private witnesses have already been examined and, therefore, there is no chance of influencing of witnesses of the petitioner;
- (7) that as per contents of custody certificate, instant prosecution is the only prosecution ever faced by the petitioner;
- (8). that detaining of the petitioner in the judicial lock up is not likely to serve any purpose;
- (9). that there is nothing on record to prove that the petitioner had any motive/enmity with the deceased, which might have prompted him to commit offence.

10. The cumulative effect of all the above mentioned factors leads to a conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**Pronounced on:26.08.2025**

*Manoj Bhutani*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |