



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-25476-2025
Date of decision: 31.10.2025

DEVENDER

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Kinshuk Nanda, Advocate for the petitioner.

Ms. Jasmine Gill, AAG, Haryana.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.488 dated 13.08.2023, under Section 302 of IPC, registered at Police Station Gharaunda, Karnal, District Karnal.
2. Reply dated 29.10.2023 by way of affidavit of Manoj Kumar, HPS, Deputy Superintendent of Police, Gharaunda, Karnal has been filed on behalf of respondent-State and the same is taken on record.
3. Brief facts of the prosecution case are that on 13.08.2023, a telephonic information was received in Police Station Gharaunda to the effect that body of one Mukesh Kumar is lying at the tubewell of Hoiram in the area of village Faridpur, on which police reached the spot, where Tilak Singh son of Mahender Singh (complainant) met him and submitted an application, alleging that on 13.08.2023 at about 06:54 am, he received a phone call from one Mohit Pandit, who disclosed that his brother Mukesh Kumar is lying on the ground in a



- 2-

pool of blood and when he reached the spot, Hoi Ram contractor of the field and Dimple were present there. After some time, Mohit Pandit also arrived and he alleged that his brother has been murdered by some unknown persons, after causing injuries to him. Thereafter, several villagers also gathered and one Surender @ Murli told him that on the previous day, he along with Rajesh and his friend, contractor Hoi Ram and his brother, Sandeep @ Gatu, Devender (petitioner) and Krishan @ Jardi son of Birmi were present in the field along with the deceased and these facts were disclosed by Surender @ Murli to his brother Pankaj and he sought action against the culprits. After registration of FIR, matter was investigated. During course of investigation, on 14.08.2023, supplementary statements of Tilak Singh and Vinod Kumar were recorded, in which they alleged that accused Devender (petitioner) had murdered Mukesh Kumar (deceased) by hitting him with his tractor. On 19.08.2023, statements of eyewitnesses namely Shiv Kumar, Tilak Raj and Rambir were recorded in which they stated that accused Devender had arrived at the spot on his tractor and had started abusing Shiv Kumar. Thereafter, he got off the tractor and grabbed his neck and threw him down but he was saved by Mukesh Kumar (deceased), Tilak Raj and Rambir. Accused got enraged and he climbed on his tractor and started hitting Mukesh Kumar (deceased) with the tractor with an intention to kill him. They jumped into the paddy field and Mukesh Kumar (deceased) got hit by the tractor and he got caught between motorcycle of Shiv Kumar and the tractor and Devender in a fit of rage had murdered Mukesh Kumar by directly hitting him with his tractor. Tilak Raj had also sustained injuries, while Rambir and Shiv Kumar had ran away. Accused was arrested on 21.08.2023 and thereafter, he suffered disclosure



- 3-

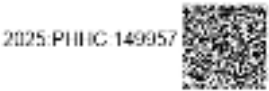
statement and got recovered his tractor. The motorcycle of Shiv Kumar was also taken into possession and both the vehicles were got examined from the FSL. After completion of investigation, final report was presented for trial.

4. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

5. Learned counsel for the petitioner contended that all the material witnesses, i.e. PW1 Vinod Kumar, PW3 Tilak Singh (complainant), PW4 Shiv Kumar (eye-witness), PW5 Rambir (eye-witness), PW6 Tilak Raj (eye-witness), and PW7 Hoi Ram (contractor) have already been examined and they have not supported the prosecution case. None of them has stated that accused had hit the deceased with his tractor, resulting in his death. Learned counsel further contended that only formal witnesses now remain to be examined and all the material witnesses have already been examined and they have not uttered anything incriminating against the accused. Petitioner is in custody since 21.08.2023 and there is no possibility of petitioner winning over the official witnesses. The trial will take some more time to conclude and no useful purpose will thus be served by detaining the petitioner in custody and he may be released on bail.

6. On the other hand, learned State Counsel has opposed the bail and argued that petitioner has committed a heinous offence and had committed the murder of Mukesh Kumar by hitting him with his tractor after a minor quarrel had taken place between the parties and he does not deserve the concession of bail.

7. Petitioner is in custody since 21.08.2023. All the material witnesses have already been examined and they have not supported the prosecution case. They have not uttered anything incriminating against the petitioner to the effect



that it is the petitioner who had committed the murder. Only official witnesses remain to be examined and there is thus no possibility of petitioner winning over or intimidating the witnesses. Trial is likely to take a long time to conclude and further detention of the petitioner is thus not required and he deserves to be released on bail.

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

31.10.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No