



CRM-M-26981-2025

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**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-26981-2025
Date of Decision: 26.11.2025**

Mahesh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Siddhant Pandit, Advocate and
Mr. Pankaj Kumar, Advocate, for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present fourth petition is for grant of regular bail to the petitioner in a case FIR No.95 dated 14.03.2024, registered under Sections 302, 346, 365, 201, 120-B and 34 IPC and Section 25(8) of Arms Act, IPC, at Police Station Faridabad Central, District Faridabad.

2. Succinctly facts of the case are that the FIR in the present case was lodged on the statement of complainant Poonam Devi wife of Rajesh Kumar. It was alleged that she has three daughters and one son. His husband run a shop of tyre puncture. On 13.03.2024 at about 06:00 p.m., his husband went to purchase some material for his shop, however, he did not return back till 14.03.2024. Thus, request was made to search the husband of the complainant. The FIR was registered and investigation commenced. During the investigation, help of Cyber Cell was taken and present petitioner, namely, Mahesh was arrested on 23.03.2024. During his interrogation, he made a disclosure statement that he had illicit relation with his sister-in-law (*Bhabhi*) Poonam- complainant and due to this, he kidnapped and murdered

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her husband Rajesh @ Raju with pistol. He further disclosed that he purchased the said pistol from accused Dharmender for Rs.8,000/- and after murdering Rajesh @ Raju, he threw the dead body in the canal situated near village Bijwari with the help of Mahender. The petitioner also demarcated the place of murder. The petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 27.01.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that case of the prosecution is based on the circumstantial evidence and the chain of evidence is not complete. He submits that there is no direct evidence to connect the petitioner with the alleged offence. He submits that the petitioner has been made a scapegoat in the present case. He has submitted that co-accused Mahender and Dharmender have already been granted concession of bail by learned trial Court. He submits that the petitioner is behind the bars since 23.03.2024, however, till date the prosecution has been able to examine only three witnesses, out of total 36 prosecution witnesses. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Rajeev Kumar, HPS, Assistant Commissioner of Police, Central, Faridabad has already been filed.



5. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that petitioner is the cousin of the deceased, namely, Rajesh @ Raju who had illicit relation with the wife of the deceased. She submits that during the investigation, it was found that the deceased was last seen with petitioner on motorcycle on 13.03.2024 and the tower location of the phone number of both of them were also found to be at the same place. It is submitted that during interrogation, the petitioner made a disclosure statement and confessed the guilt. She has submitted that the petitioner fired bullet shot on the head of the deceased and set ablaze his dead body on fire by sprinkling petrol and then thrown it into the canal with the help of other co-accused. It is also submitted that blood stained jacket, motorcycle and country made pistol with empty cartridges used in the offence and other articles were recovered from the petitioner. On instructions, she has submitted that out of total 36 prosecution witnesses, only 03 witnesses have been examined till date. However, she acknowledges that two co-accused have been granted bail by learned trial Court. She has submitted that keeping in view the gravity of offence, the petitioner does not deserve the concession of bail.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner had been alleged to have illicit relation with the wife of the deceased. The deceased was last seen with the petitioner on his motorcycle. Even in his disclosure statement, the petitioner concussed that he murdered the deceased and threw his dead body into the canal. On his disclosure, the petitioner demarcated the place of occurrence as well as got recovered blood stained jacket, motorcycle and country made

pistol with empty cartridge used in the offence and other articles. As submitted before this Court out of 36 prosecution witnesses, 03 prosecution witnesses have been examined so far. Simply because the petitioner is behind the bars since 23.03.2024, is not in itself sufficient for enlarging him on bail. Keeping in view the gravity of the offence in the present case, this Court does not find any merit in the present petition. Thus, the same is hereby dismissed.

6. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.11.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No