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

**CRM-M No.28322 of 2025
Date of Decision: 01.09.2025
Reserved on: 19.08.2025**

Jaspreet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manvender Chauhan, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The instant one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.67 dated 03.02.2022 registered under Section 302 of IPC (Sections 34 and 201 of IPC added later on) at Police Station Pinjore, District Panchkula. The first petition as filed by him bearing CRM-M-24354-2023, had been dismissed as withdrawn vide order dated 18.07.2023 and the second petition bearing CRM-M-60452-2024, had been disposed off as being unpressed vide order dated 21.02.2025.

2. The aforementioned FIR was registered on the basis of

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statement recorded by the complainant Ashok Kumar alleging therein that his elder son Abhinav Chandel was working in a Pharmaceutical company in Baddi (Himachal Pradesh) and was staying there alone. On 18.01.2022, he had telephonically informed the complainant that he had become Corona positive and was under quarantine in his rented accommodation. The complainant remained in touch with him. On 30.01.2022, his son called him on phone and informed that he was going to Pinjore to get his Covid test done. Then on the next day, he received a call on his cell phone from the Pharmaceutical company informing that his son had not been coming to work in the company. When the complainant tried to talk to his son, his phone was found to be switched off. From that day onwards, the complainant failed to have any contact with his son despite the fact that his relatives and he himself had made search for him. He had lodged a complaint at Police Station Baddi regarding missing of his son. He submitted that on the same day i.e. on 03.02.2022, he had received information regarding some dead body lying tied in a sack in a drain near Ratpur colony. On reaching there, he identified the dead body to be that of his son.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of the dead body was done. Inquest proceedings were also conducted. The call detail record of the phone of the victim and complainant were taken with the assistance of Cyber Cell. The petitioner along with co-accused Rakesh Kumar @ Tinku, Bharat Mittal and

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Amardeep were found to be involved in the murder of the victim. They were arrested on 07.02.2022 and were interrogated. The petitioner and the co-accused suffered disclosure statements to the effect that they had taken the victim to a hotel room and had consumed heroin. The deceased had asked the co-accused Amardeep for sexual favours and then they had strangled him and killed him. During investigation, DVR of Hotel Rose, Kalka was also taken into custody. The investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of four days in registration of FIR. He had been arrested only on the basis of suspicion. The disclosure statements allegedly suffered by the co-accused and himself cannot be considered to be admissible in evidence. The material witnesses have since been examined but have not supported the prosecution case and have turned hostile. The co-accused Amardeep whose case is on similar footing has since been extended benefit of bail. On parity, he too deserves to be extended the same benefit. His further incarceration would not serve any useful purpose. The trial will take considerable time to conclude. It is, therefore, argued that he deserves to be released on bail.

5. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of

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regular bail.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have taken the victim Abhinav Chandel to Rose Hotel, Kalka on 30.01.2022. As per the further allegations, he along with the co-accused assaulted the victim and strangled him to death. The petitioner has placed on record copies of statements of witnesses examined before the trial Court. A perusal of testimony of PW-1 Ashok Kumar complainant shows that he did not say anything to connect the petitioner with the crime. PW-4 Sachin from whom the present petitioner had allegedly purchased a plastic gunny bag to tie the dead body of the victim is also shown to have turned hostile and has not identified the petitioner. Similarly, PW-5 Sumit Kumar from whom one jute bag had allegedly been purchased by the petitioner has also not identified the petitioner. PW-6 Raj Kumar from whom the petitioner had allegedly purchased a blanket on 31.01.2022 is shown to have identified the petitioner during his examination-in-chief but during cross-examination, he is shown to have stated that he could not identify the petitioner but for the fact that he had come to the shop of this witness with police officials and had himself told that he had purchased blanket from the shop of this witness. This witness is also shown to have stated that had the petitioner himself not disclosed his identity, he would not have identified him. The sworn deposition of PW-7 Sudhir Kumar has also been placed on record which shows that on 29.01.2022, the petitioner along with two more persons had

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come to Rose Hotel wherein he was working in the housekeeping department and had given copy of his Aadhar Card as identity proof. He is shown to have identified the petitioner only. On a perusal of these statements, it is revealed that except PW-7 Sudhir Kumar, no other witness has identified the petitioner. However, on the basis of the statements of PW-1, PW-4, PW-5 and PW-6 alone, it cannot be stated that the petitioner was not involved in the occurrence. The allegations against the petitioner are serious in nature. The case is based on circumstantial evidence which is yet to be completed. Keeping in view the nature of the allegations as levelled against the petitioner, the part played by him, the fact that the testimony of PW-7 shows that the petitioner had occupied the hotel room along with the victim on the fateful day, this Court is of the opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

01.09.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No