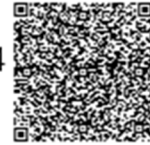


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-31243-2025 (O&M)

Date of decision: 09.09.2025

Mohit**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

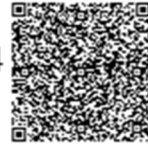
Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 341 dated 01.10.2024, registered under Section 103(1) of Bharatiya Nyaya Sanhita, 2023 (*For short 'BNS'*) (Section 238(a) of BNS added later on) at Police Station Sector 5, Gurugram.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant Pawan on 01.10.2024 alleging that his younger brother Pradeep Sahu had left home at around 09:00 PM on the previous night by informing that he was going to attend some rally. His dead body was found lying in an empty plot in the next morning. He was found to be murdered by some unknown person. FIR was registered. Investigation proceedings were initiated. On 02.10.2024, accused Harvinder @ Hariya was joined in investigation. He was arrested on receipt of incriminating evidence. He suffered disclosure statement admitting his involvement in the crime of

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murder of the victim and got recovered the burnt clothes and shoes worn by him at the time of occurrence. On the basis of the disclosure statement, the petitioner was nominated as an accused and was joined into investigation on 25.11.2024. He suffered disclosure statement to the effect that accused Harvinder @ Hariya had given a blood stained *danda* used by him for causing injuries to the victim and his blood stained shirt. On his asking, he had burnt the shirt with a match stick but the *danda* could not be burnt and it was given to him after cleaning it with water. He got recovered the *danda* used at the time of occurrence and also demarcated the place of occurrence. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. No specific overt act resulting in murder of the victim has been attributed to him. There was no eyewitness to the alleged occurrence. He has clean antecedents. He is in custody since 25.11.2024. Trial will take time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that the petitioner had caused disappearance of evidence of murder of the victim by burning the blood stained shirt worn by the co-accused at the time of committing murder of the victim. The allegations against him are quite serious. Hence, it is urged that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.
6. The allegations against the petitioner are that he had burnt the blood stained shirt of the co-accused Harvinder @ Hariya in the washroom and had flushed the remains of the same and had caused disappearance of the weapon of murder of the victim. He has been booked for commission of offence punishable under Section 238(a) of BNS. He is in custody since 25.11.2024. It is not the case of the prosecution that he had a hand in the murder of the victim. The petitioner is not a man of criminal antecedents. The trial will take to conclude since no prosecution witness has been examined so far. Keeping in view the nature of the allegations levelled against him, the period of his incarnation and the attendant facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

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