

2025:PHHC:108506



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.31727 of 2025
Date of Decision: 20.08.2025
Reserved on: 13.08.2025

Dharmender @ Tinku ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Varun Gupta, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
79	27.02.2022	Dharuhera, District Rewari, Haryana	302, 364, 396, 346, 387, 201 and 34 of IPC and 25 of Arms Act, 1959

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was intially registered under Sections 346 of IPC on the basis of complaint lodged by Lalit Kumar alleging that his elder brother Aditya Kumar who was a taxi driver had taken some passengers for going to Village Tapukada from Dharuheda taxi stand on 26.02.2022 but thereafter he had gone missing. His mobile

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phone was also found to be switched off. He also submitted that he had received an information in the morning of 27.02.2022 that the vehicle used by his brother was seen lying abandoned by one Dayaram and it was taken to Police Post Khor. Investigation proceedings were initiated. The dead body of victim Aditya Kumar was found lying in the forest area of Village Kehrani on 28.02.2022. Offence under Section 302 of IPC was added. The call detail record of mobile phone of the victim was obtained and it was revealed that a SMS had been received in his cell phone from a particular cell phone number which was in the name of one Babbu Ram resident of Alwar.

3. As per the allegations, the abovesaid Babbu Ram was joined into the investigation who disclosed that his phone was taken by some unknown person who had dialled the same. He also disclosed that the said person had come to the house of the accused Rajbir on that particular day. Accused Rajbir was arrested. On interrogation, he suffered disclosure statement to the effect that he along with the present petitioner and co-accused Sandeep had killed the victim after snatching money kept in his pocket and that the dead body of the victim was thrown in the forest area of Village Kehrani. The petitioner and co-accused Sandeep were arrested on 02.03.2022. They suffered separate disclosure statements. The petitioner disclosed that he had hatched a conspiracy with the co-accused to extort money from the brother of the complainant whose vehicle they had hired on 25.02.2022, had taken him to the forest area of Village Kehrani, had

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pressurized him to ask for a sum of Rs.5 lakhs from his family members and to give the same to him and on his refusal, had assaulted him, extended beatings to him, stabbed him and also strangled him. He also disclosed that dead body of the victim was thrown by them in the jungle area and his vehicle was also left on the way. 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 this case on the basis of disclosure statement of co-accused Rajbir which cannot be considered to be admissible in evidence. The material prosecution witnesses namely, PW-1 Sandeep, PW-2 Lalit Kumar (complainant), PW-4 Ganga Ram and PW-5 Babbu Ram has been examined before the trial Court and neither of them has implicated the petitioner in the subject crime. He is in custody since 02.03.2022. The co-accused whose case is on similar footing, has since been extended benefit of bail. His further incarceration would not serve any useful purpose. There is no eye-witness to the murder of the victim. No incriminating material has been collected against him on the record. It is, therefore, urged that he deserves to be extended benefit of bail.

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

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6. This Court has considered the rival submissions.
7. As per the allegations, the petitioner in furtherance of common intention and in connivance with the co-accused had abducted the victim, robbed him of his money and thereafter caused his homicidal death. The case is based on circumstantial evidence. The petitioner is in custody since 02.03.2022. The material witnesses namely, PW-1 Sandeep, PW-2 Lalit Kumar (complainant), PW-4 Ganga Ram and PW-5 Babbu Ram have since been examined but none of them has implicated the petitioner with the subject offences. The trial is likely to take time. Keeping in view the nature of the evidence that has come in the form of testimonies of the aforementioned witnesses, the period spent by the petitioner in custody, on parity and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

20.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No