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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33075 of 2025

Raja ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	18.11.2025
2.	The date when the judgment is pronounced	29.11.2025
3.	The date when the judgment is uploaded on the website	29.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Tanya Vashist, Advocate,
for the petitioner.

Ms. Himani Arora, 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
135	07.11.2022	Rohadai, District Rewari	201, 302 and 34 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint submitted by the complainant Ramesh Nath on 07.11.2022 alleging that on 05.11.2022, the dead body of his 20 years old son Amit and one Aman were found floating in a well situated near his village and he had given intimation to the police about their drowning. He disclosed that on 07.11.2022, he was informed by one Mukundra Nath that on 02.11.2022, he had seen his brother Aman and Amit while going towards kutchha path of Village Hansawas on a motorbike along with the present petitioner Raja and Rohit. The complainant also disclosed that he along with some respectable members of the village had questioned the petitioner and Rohit and they had admitted the factum of killing the victims on account of their previous quarrel that had taken place on 30.10.2022. He raised suspicion that the petitioner and co-accused had thrown the dead bodies of the victims in the well after committing their murder. Inquest proceedings of the dead bodies of the victims had already been conducted and DDR No.24 was entered.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead bodies was conducted. The petitioner and co-accused Rohit were arrested on 07.11.2022. They were interrogated and suffered disclosure statements admitting their involvement in the crime and demarcated the place of occurrence. They also got

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recovered the motorbike used at the time of occurrence. Statement of witness Mukundra Nath was recorded under Section 164 of Cr.P.C. The call detail records of the victims was also collected. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 07.11.2022. The trial is moving at a snail's pace as only 01 out of 21 witnesses has been examined so far. There is no direct eye witness to the occurrence. The case is based on circumstantial evidence. The complainant is avoiding his appearance as a witness before the trial Court since long. The prolonged incarceration without timely conclusion of the trial has amounted to violation of fundamental rights of the petitioner under Article 21 of the Constitution. There are no chances of conclusion of the trial in near future. The petitioner has a permanent abode and hence there are no chances of his absconding. 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 there are serious and specific allegations against the petitioner. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, thus, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. It is well settled proposition of law that the Court while considering an application for grant of bail, has to keep certain factors in

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mind. Such as where there is a prima facie case or reasonable ground to believe that the accused has committed the offence, circumstances peculiar to the case, the nature and gravity of the accusation, the danger of accused absconding or fleeing if released on bail and reasonable apprehension of the witnesses being threatened etc. However, at the same time, the period of incarceration is also a relevant factor to be considered while deciding a bail application. Each day spent by an accused in custody provides a cause of action for filing bail application. Prolonged detention itself is a ground for grant of bail since the settled principle of law is that detention prior to trial should not become punitive. Pre trial incarceration should not be a replica of post conviction sentencing and this principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirement of criminal justice system. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. The petitioner in this case is in custody since 07.11.2022 i.e. over a period of three years. Only 01 out of 21 witnesses has been examined so far. Obviously, there are no chances of conclusion of trial in near future. The continued detention of the petitioner as such would not serve any useful purpose. Taking into consideration the nature of the allegations as levelled against him, the period spent by him in custody and the above discussed facts, this Court is of the considered opinion that a case for allowing the petition is made out. Accordingly, the same is allowed and the petitioner is ordered to be admitted



to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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

29.11.2025
manju

(MANISHA BATRA)
JUDGE

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