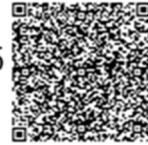


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-33316-2025 (O&M)
Date of decision : 26.09.2025

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

Present:- Mr. Sanjeev Majra, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 200 dated 03.08.2023, registered under Section 346 of IPC (Sections 302, 120-B and 404 of IPC added later on) at Police Station B.P.T.P., District Faridabad.

2. The aforementioned FIR was initially registered under Section 346 of IPC on a written complaint moved by Babita alleging that on 02.08.2023 at about 04:30 PM, her husband Rakesh Kumar had left his house on his scooty. At about 07:00 PM, accused Bunty i.e. the petitioner had come to her house along with the said scooty to park the same and on asking about the whereabouts of her husband, he had disclosed that that Rakesh Kumar was present near liquor vend at Khedi road. He did not return home till 03.08.2023 and she could not find him even after making search. Hence, she prayed for taking action. After registration of the FIR, investigation proceedings were

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initiated. During investigation, one Subhash Vir moved a complaint that the petitioner had made an extra judicial confession before him that he was having an affair with Babita and in conspiracy with her, had killed her husband Rakesh Kumar. On the basis of this complaint, offences under Section 302 and 120-B of IPC were added. The petitioner was arrested on 17.08.2023. He was interrogated and suffered disclosure statement admitting the factum of his relationship with Babita and committing murder of the victim in connivance with her and further about throwing dead body of the victim in Agra canal. The brick used by him in commission of crime of murder of the victim as well as the wallet, Aadhar Card, PAN Card etc., belonging to the victim, were recovered at his instance. Offence under Section 404 of IPC was added. Accused Babita was also arrested. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of an extra judicial confession allegedly suffered by him before aforesaid Subhash Vir. The said Subhash Vir has, however, been examined by the prosecution as PW-1 and has not supported the prosecution version. The story regarding making calls to accused Babita has also been concocted, which is not sufficient to infer any conspiracy with her. He is in custody since long. The conclusion of trial would take considerable time. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the allegations levelled against the petitioner are quite serious in nature. Apart from the

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circumstance of suffering extra judicial confession, there are several other circumstances which are yet to be proved by the prosecution by examining remaining witnesses. The petitioner as well as co-accused had suffered disclosure statements admitting their involvement in the crime. The incriminating evidence in the form of wallet and identity proofs of the victim has been recovered at the instance of the petitioner. The trial is going on at a proper pace. Prolonged incarceration in such like cases cannot be considered to be a ground for extending benefit of bail to the accused. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner in conspiracy with co-accused Babita is alleged to have murdered victim Rakesh Kumar, who was husband of Babita. The petitioner has placed on record copy of sworn testimony of PW-1 Subhash Vir, who was witness to the suffering of alleged extra judicial confession by the petitioner. Though this witness is not shown to have supported the prosecution version, however, only on the basis of this fact, the petitioner cannot be extended benefit of bail since other material witnesses are yet to be examined and the prosecution evidence is yet to be concluded. A good number of witnesses has been produced by the prosecution and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. More so, the well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in

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this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the gravity of the allegations levelled against the petitioner as well as the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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.

26.09.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No