

2025:PHHC:114937



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

**CRM-M No.35260 of 2025
Date of Decision: 27.08.2025
Reserved on: 19.08.2025**

Rakesh Kumar @ Tinku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sajal Bansal, Advocate and
Mr. Pranshul Dhull, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The instant one is the second 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 previous petition as filed by him bearing CRM-M-62931-2024, had been dismissed as being unpressed vide order dated 21.02.2025.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Ashok Kumar alleging therein

2025:PHHC:114937



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. 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 Jaspreet Singh, Bharat Mittal and 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

2025:PHHC:114937



suffered disclosure statements to the effect that they had taken the victim to a hotel room and had consumed a contraband chitta. 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.

3. 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.

4. 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 regular bail.

5. This Court has considered the rival submissions.

2025:PHHC:114937



6. The petitioner along with the co-accused is alleged to have taken the victim Abhinav Chandel to Rose Hotel, Kalka on 30.01.2022 and is further alleged to have assaulted him and strangulated him. The petitioner has placed on record copies of statements of certain witnesses. Annexure P-6 is copy of statement of the complainant Ashok Kumar and a perusal of the same reveals that he did not depose anything against the petitioner. Annexure P-7 is copy of testimony of PW-4 Sachin from whom the accused had allegedly purchased a plastic gunny bag. This witness is also shown to have turned hostile. Annexure P-8 is copy of sworn deposition of Sumit Kumar from whom the accused Jaspreet had allegedly purchased a jute bag on 31.01.2022. He also did not identify the purchaser. Annexure P-9 is copy of sworn deposition of PW-6 Raj Kumar from whom the accused Jaspreet had allegedly purchased a blanket and he too is shown to have turned hostile. PW-7 Sudhir Kumar (Annexure P-10) is shown to have deposed in his sworn deposition that he was working in Rose Hotel, Kalka in January 2022. He deposed that three persons had come to his hotel on 29.01.2022. He identified the accused Jaspreet Singh as one of these three persons but did not identify the remaining persons nor he supported the prosecution version.

7. There is admittedly no eye-witness to the occurrence. The witnesses who have been examined by the prosecution, have not identified the petitioner as one of the assailants of the victim even complainant has been examined. The allegations against the petitioner are that he along with the co-accused and the victim had consumed the drug heroin in a hotel room

2025:PHHC:114937



and then strangulated him. The petitioner is in custody since 07.02.2022. He has clean antecedents. The trial is likely to take substantive time. The co-accused Amardeep whose case is on similar footing has since been extended benefit of bail. The material witnesses have not supported the prosecution version. Taking all this into consideration but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is of the considered opinion that the petitioner deserves to be extended benefit of bail. Accordingly, the petition 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.

27.08.2025
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(MANISHA BATRA)
JUDGE

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