

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:176512



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CRM-M-36611-2025 (O&M)

Date of decision:22.12.2025

Chudamani Kumal

... Petitioner

Vs.

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishal Sharma, Advocate for the petitioner.

Mr. Virat Rana, Add.P.P., U.T., Chandigarh.

...

Manisha Batra, J. (Oral).

1. The present petition has filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.26, dated 14.03.2024, registered under Sections 302, 34 IPC, at Police Station Sector-34, Chandigarh.

2. As per the allegations, dead body of victim Jitender Kumar @ Jitu was found lying in the premises of Luxmi Narayan Temple, Sector-44, Chandigarh on 14.03.2024. Initially, FIR was registered against unknown person(s). Investigation proceedings were initiated. Some CCTV footage was collected from the vicinity of the crime scene and two persons who were carrying sticks, were found entering in the park near the temple and were seen leaving shortly thereafter on the fateful day. They were subsequently identified by witness Amit Kumar @ Badal as the petitioner and co-accused Basant Chaudhary. Both of them were arrested. The petitioner suffered

disclosure statement admitting his involvement in the crime and got recovered a wallet and cell phone of the deceased. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since long. The trial will take considerable time to conclude. There is no direct evidence on record to connect him with the commission of the subject offence. There is no eye witness to the occurrence and the case rests upon circumstantial evidence. There is also no circumstantial evidence to establish his complicity in the crime. It is, thus, argued that he deserves to be released on bail.

4. Status report has been filed. Learned State counsel has argued that the allegations against the petitioner are serious in nature. He was shown in the CCTV footage of the camera installed in the vicinity. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Recovery of incriminating articles has been effected from him. There are chances of the petitioner's absconding, if extended benefit of bail. It is, hence, stressed that the petition does not deserve to be allowed.

5. I have heard rival submissions made by learned counsel for the parties.

6. The petitioner along with co-accused is alleged to have committed the murder of the victim on 14.03.2024. Though, there is no eye witness to the occurrence, but as per the prosecution case, the petitioner was

seen at the place of occurrence along with co-accused Basant Chaudhary in the CCTV footage of the vicinity. He is also alleged to have been seen by Amit Kumar, who is yet to be examined. CCTV footage is also to be proved in evidence. The trial is going at a proper pace as 08 out of 29 prosecution witnesses stand examined. As such, it cannot be stated that there would be any prolonged delay in conclusion of the trial. Taking into consideration the nature of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, lest the same prejudice the trial in any manner, it is held that no case for allowing the petition is made out.

7. Accordingly, the petition is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

22.12.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No