

2025:PHHC:166065



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39535 of 2025

Chahat

... Petitioner

Versus

State of Haryana

... Respondent

1.	The date when the judgment is reserved	19.11.2025
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. Neeru Bansal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, 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
156	04.03.2022	Kundli, District Sonipat	302 and 34 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Rajpal alleging that his younger son Arjun @ Chiya was addicted to the vices of consuming intoxicants. He used to leave home without intimating anyone. On 03.03.2022, he left home at about 6 PM and did not come back. In the morning of 04.03.2022, he received intimation about his dead body lying in the gymnasium of Village Janti kalan. His motorcycle was also standing there. A case under Section 302 of IPC was registered. Investigation proceedings were initiated. Postmortem examination of dead body was conducted and as per the report, the death had occurred due to shock and hemorrhage consequent to ante mortem injuries as sustained by the victim.

3. As per the further allegations, on 07.03.2022, the complainant recorded a supplementary statement informing that he had come to know that the present petitioner, accused Sachin @ Matha and Roopak had a hand in the murder of the victim and as on the evening of 03.03.2022, the victim was seen in the company of the present petitioner. The petitioner and co-accused were nominated as such. They were apprehended on the same day and were interrogated. On interrogation, the petitioner suffered disclosure statement to the effect that on the fateful day, he had gone to the village gymnasium on the motorbike of the victim who was already known to him.

They had also joined the co-accused. A verbal altercation had taken place

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amongst themselves and then he along with accused Roopak had struck blows with danda on the person of the victim. Thereafter, they had called the co-accused Sachin @ Matha and had assaulted the victim and had beaten him to death. In pursuance of his disclosure statement, he also got recovered the wooden baton used by him in the crime and his mobile phone. The call detail records of the petitioner and the co-accused Sachin were collected which showed exchange of conversation between them. The audio recording of telephonic conversation that had taken place between the petitioner and the co-accused Sachin @ Matha had been obtained and converted into a pen drive. The investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. There is no eye-witness to the murder of the victim. The case is based upon circumstantial evidence and there is no circumstance to connect him with the crime. The disclosure statement allegedly suffered by him and the co-accused cannot be considered to be admissible in evidence. There is nothing on record to show that he had any common intention with the co-accused to commit the murder of the victim. A false recovery of a neem stick has been planted upon him. The said stick is a freshly broken stick. He had no motive to kill the victim and as per own case of the prosecution, it was a case of monetary transaction between the co-accused Sachin and the deceased. The accused Sachin has already been extended benefit of bail. His case is on better footing and he, therefore, deserves to be released on bail. He is in custody since 07.03.2022. The trial is going on at a snail's pace and will take

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considerable time to conclude. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned Assistant Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner who was an active participant of murder of the victim. An audio recording of the conversation that had taken place between the victim, petitioner and the accused Sachin @ Matha is part of the challan report and shows the complicity of the petitioner in the crime. The allegations against the petitioner are graver than that of the co-accused Sachin who has been extended benefit of bail. There are chances of petitioner's fleeing or committing similar offences, if extended benefit of bail. He is a habitual offender. With these broad submissions, it is urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have taken the victim along with him on the evening of 03.03.2022. The dead body of the victim was recovered on the next day. As per the allegations, he had committed murder of the victim in furtherance of common intention with the co-accused. Annexure R-1 is copy of transcript of audio recorded conversation between the victim, the co-accused Sachin @ Mitha and the petitioner which shows that just before his homicidal death, he was with the present petitioner. The allegations against the petitioner are quite serious in nature. Eleven out of twenty one prosecution witnesses have been examined and three witnesses have been given up. As such, it cannot be said that the trial is not going on at



a proper speed. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in 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 above discussed facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

29.11.2025	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No