



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

224

CRM-M-40302-2025

Date of decision : 17.11.2025

RAJ KUMAR

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Arun Kumar Gujjar, AAG, Haryana.

Mr. L.K. Narang, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 201, 302, 34, 365 of IPC [challan under Sections 302, 364, 120-B, 34, 201 IPC], the FIR No.269 dated 24.7.2020, has been lodged in Police Station Arya Nagar, Rohtak, District Rohtak. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the basis of statement dated 24.07.2020 of Narender son of Mahabir Singh hereinafter being referred to as complainant only. It was stated by the complainant that on that day his brother Virender son of Dilbagh, resident of village Kheri Meham had visited Court Complex, Rohtak for his



bail at about 10:00 A.M. According to complainant there 6-7 persons came and kidnapped his brother and took him away in a vehicle make Tata Sumo having registration No.HR-58. According to complainant, when he got the above-mentioned information, he alongwith Deepak and Vijay made enquiries at his own level and came to know that Sunil son of Satbir, Nanha son of Gokul, Raj Kumar @ Baggi son of Dulichand, Dharambir son of Suresh, Vijay son of Raja, Parveen son of Bhagat had kidnapped his brother Virender, and forcibly took him away in the above-mentioned vehicle being driven by Ajay son of Ranbir. The complainant had further stated that his brother Virender was kidnapped and killed by the above-named persons and thereafter, his dead body was thrown in the agriculture fields of village Samad.

3. It is the case of the prosecution that on the basis of above-mentioned information formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation, the petitioner was arrested.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case. As per learned counsel for the petitioner there is no eye witness of the occurrence and merely on the basis of a so-called enquiry made by the complainant, at his own level, the name of petitioner and his other co-accused was mentioned in the FIR. According to learned counsel for the petitioner the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 05 years and that the investigation is not taking place at appropriate pace, as only half of the list of witnesses, containing 36 witnesses, has been



exhausted so far. It has also been contended by learned counsel for the petitioner that all the material private witnesses have already been examined by the prosecution and therefore, if the petitioner is released on bail, there is no chance of tampering of evidence or influencing of witnesses by the petitioner. While claiming that the petitioner has no criminal antecedents except one case under Section 380 IPC, the learned counsel for the petitioner has argued that life and liberty of petitioner, guaranteed as a fundamental right by the Constitution of India, is being violated by prolonged incarceration and therefore, the petitioner is entitled for the benefit of bail.

6. *Per contra*, the learned State counsel has argued that instant case is a case, wherein the petitioner is a person, who has least respect for the rule of law and that a litigant visiting the Court compound for the purpose of attending Court proceedings, has been forcibly kidnapped and thereafter killed by the petitioner and his co-accused. According to learned State counsel, the gravity of above-mentioned action of the petitioner renders him ineligible for any lenient view.

7. In addition to above, the learned State counsel has also argued that otherwise also no fault cannot be attributed to the prosecution with regard to delay in trial, as the delay has occurred due to late arrest of co-accused, who was earlier absconding. As per learned State counsel due to his late arrest, the prosecution evidence has to be recorded again and this procedural issue has delayed the completion of trial. While referring to the order dated 18.01.2024 passed by a Co-ordinate Bench of this Court, whereby the benefit of bail has been denied to co-accused, the learned counsel for the petitioner has argued that the case of the petitioner stands on the same footing and therefore, the



petitioner is not entitled for the benefit of bail.

8. While assisting the learned State counsel the learned counsel for the complainant has contended that in the present case the entire incident has been recorded in CCTV footage, and that the CCTV footage was displayed before the Co-ordinate Bench and that in the above-mentioned CCTV footage, which has been placed on record in a pen drive, the incident has been duly recorded and that the petitioner is visible in the above-said footage, while committing the above-mentioned offence.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case this contention of learned counsel for the petitioner is true that the petitioner is in custody for a period of more than 05 years. However, in view of the explanation given by learned State counsel, justifying the delay in trial, in my opinion on the ground of prolonged incarceration the petitioner is not entitled for the concession of bail. Here it is also relevant to mention that the CCTV footage placed on record by learned counsel for the complainant is a very good piece of evidence, and the above-mentioned piece of evidence *prima facie* shows the involvement of petitioner in the commission of crime.

11. Taking into consideration the above-mentioned facts and circumstances of the present case, but without commenting anything on merits of the case, it is hereby held that the petitioner is not entitled for the benefit of bail and the present petition moved by the petitioner is devoid of merits and deserves dismissal. The same is hereby dismissed, accordingly.



12. However, taking into consideration the period of custody of the petitioner, the learned trial Court is directed to dispose of the trial, expeditiously.

(SURYA PARTAP SINGH)
JUDGE

17.11.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No