



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-42629-2025
Date of decision: 17.11.2025

SUNIL KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Anuj Kumar, Advocate for the petitioner.

Ms. Jasmine Gill, AAG, Haryana.

YASHVIR SINGH RATHOR. J.(Oral)

CRM-45303-2025

Present application under Section 528 of BNSS, 2023 has been filed for placing on record the copy of statement of PW-9 dated 28.05.2024 as Annexure A-1.

For the reasons mentioned in the application, the same is allowed. Annexure A-1 is taken on record subject to all just exceptions.

CRM-M-42629-2025

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.72 dated 18.02.2023, under Sections 302/201 of IPC, registered at Police Station Bahalgarh, District Sonipat.
2. The present case was registered on the basis of statement given to the police by Om Parkash with the allegations that his nephew Parveen son of Narayan Singh had gone to attend the wedding of Ankit on 17.02.2023 to



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Sultanpur, District Gaziabad. On 18.02.2023, at about 7:00 am, he received an information that the dead body of his nephew Parveen was lying in the roadside ditches of the Depalpur–Palda road, on which he reached the spot and found Parveen lying dead with injury on the back side of his head. He suspected that some unknown persons had committed his murder and he sought action against them. With these allegations, formal FIR was registered and matter was investigated. Thereafter, the complainant Om Parkash submitted supplementary complaint to the effect that after cremation of the dead body, when he inquired in his house and village, he came to know that Sunil son of Rampat was continuously threatening his nephew for the last 15 days by visiting his house and his shop at Murthal and Sunil had brought Parveen to the village from the wedding of Ankit in a Creta car and that Sunil has committed his murder. On 19.02.2023, Sunil (petitioner) was arrested and interrogated and he suffered disclosure statement, admitting having committed the offence in question. He disclosed that he was addicted to gambling and had suffered losses. Parveen (deceased) also used to gamble with him and he was not giving his money on repeated demands and had threatened to kill him. On 17.02.2023, he had brought one Creta car from his friend for going to the wedding of Ankit in Gaziabad and he went to the wedding with Anil and Sumit and on the way, Gaurav also accompanied them. Parveen (deceased) met him in the marriage and consumed alcohol with them. After having food, he along with Parveen and Anil returned in his car. On the way, he demanded his money, on which Parveen started abusing him and they had a fight. Thereafter, he dropped Anil in front of his street at about 10:30 pm and thereafter, he and Parveen consumed more alcohol and when he went to urinate, Parveen



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urinated in his glass of drink and when he drank the alcohol, Parveen proclaimed that he had urinated in his drink. Thereafter, he made Parveen sit in the car again and drove towards village Mukimpur. After some time, he stopped the car near a deep pit and Parveen got down from the car to urinate. Thereafter, Sunil (petitioner) picked up a baseball bat and hit Parveen in the head from behind, resulting in his death. After completion of investigation, final report was presented in the Court for trial.

3. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

4. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case. The offence in question was committed by unknown persons. Prosecution has already examined PW Anil, who was allegedly accompanying the accused and the deceased and was dropped on the way but he has not supported the prosecution case and has not uttered anything incriminating against the accused. Rather, he stated that he does not know anything about this case. The complainant namely Om Parkash has also not supported the prosecution case. PW3 Krishna has also not supported the prosecution case, who is mother of the deceased. All the material witnesses have turned hostile and prosecution case is not likely to improve, as there is no other evidence against the petitioner except his own disclosure statement, which is not admissible in evidence. Petitioner is in custody since 19.02.2023. The trial is likely to take a long time to conclude and no useful purpose will thus be served by detaining the petitioner in custody and he may be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and



argued that in view of the gravity of the offence, petitioner does not deserve the concession of bail.

6. The present case is based upon circumstantial evidence. No one had seen the occurrence taking place and the petitioner was named as accused only on the basis of suspicion. Complainant namely Om Parkash and mother of deceased have turned hostile. PW Anil, who was allegedly accompanying the deceased and the accused, while returning from Gaziabad and was dropped on the way has also turned hostile and has not uttered anything incriminating against the petitioner. As such, no material witness remains to be examined. As to how much evidentiary value will be attached to the disclosure statement of the accused shall be the subject matter of trial. Since material witnesses have already been examined, there is no possibility of accused winning over or intimidating the witnesses, as only official witnesses remain to be examined. The trial is likely to take a long time to conclude and no useful purpose will thus be served by detaining the petitioner in custody and he deserves to be released on bail.

7. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

17.11.2025
amandeep

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No