

2025:PHHC:164117



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

240

CRM-M-45819-2025

Decided on:17.11.2025

Hardeep

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Vijay Pal, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Apoorv Garg, Advocate, and
Dr. Himani Anand, Advocate, for the complainant.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.413 dated 29.12.2023, registered under Sections 302, 34, 120-B IPC, at Police Station Sadar Kaithal, District Kaithal.

2. Succinctly, the facts of the case are that the FIR in the present case has been registered on the statement of Balbir Singh, in which it was alleged that he had two sons, namely, elder one Rajpal (deceased), aged 38 years and younger one Hoshiyar Singh, aged 35 years. On 27.12.2023, his son Rajpal returned home from Kaithal at about 05.30 pm and, thereafter, he left the home at about 06.30 pm. On 28.12.2023, at around 08.00 am, his nephew Hawa Singh told him that his son Rajpal was lying dead on the roadside. On receiving the information, they reached that place and saw Rajpal lying dead on the roadside. There were many injuries on his body. It was deposed that presently they did not have any suspicion on anyone. On the statement of the complainant, the FIR was lodged and the investigation commenced. During investigation, the complicity of the petitioner surfaced and, thus, he was

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arrayed as an accused and was arrested on 29.12.2023. On completion of investigation, the challan was presented and on framing the charges, the trial commenced. The petitioner approached the learned Additional Sessions Judge, Kaithal praying for grant of bail. However, after hearing both the sides, the learned trial Court declined the same vide order dated 16.07.2025. Hence, aggrieved by the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present FIR on the basis of assumptions and presumptions. It is submitted that the prosecution has relied upon the evidence of last scene witness, i.e. Hawa Singh, who is nephew of the complainant; however, his statement was recorded after two days of the occurrence which casts a shadow of doubt on the authenticity of his evidence. He further submitted that there is no CCTV footage recovery which could corroborate the allegations made against the petitioner. It is also submitted that the complainant has been examined before the trial Court as PW3 and there are material contradictions in his deposition and as the petitioner has no criminal antecedents, he deserves to be granted bail.

4. *Per contra*, learned counsel for the complainant as well as learned State counsel have opposed the submissions made by the learned counsel for the petitioner. They have submitted that the petitioner had illicit relations with the wife of the deceased and this was the strong motive for both the petitioner and the wife of the deceased to eliminate the deceased. They further submitted that the wife of the deceased is the co-accused and presently both are behind the bars and the complainant has been examined before the trial Court who has duly supported the case of the prosecution. They further submitted that the petitioner was seen at the relevant date, time and place of the occurrence, which fact has been duly proved by the last scene witness Hawa Singh. They

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which revealed that the deceased was given six injuries and the cause of death is opined to be asphyxia due to strangulation and out of the total 26 prosecution witnesses, 11 witnesses have been examined. It is further submitted that both the accused have committed murder of deceased Rajpal in a well hatched conspiracy and, thus, no case is made out for grant of bail to the petitioner.

5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that deceased Rajpal left his home on 27.12.2023 at about 06.30 pm and in the next day morning, i.e. on 28.12.2023, at about 08.00 am, his dead body was found lying on the roadside. During investigation, it has been established that the petitioner had illicit relations with the wife of the deceased, which fact has also been verified by the CCTV footages collected during investigation. Besides this, as submitted before this Court, there is a last scene witness, namely, Hawa Singh. The deceased has been found to have suffered as many as six injuries and the cause of death has also been opined to be asphyxia due to strangulation, which clearly depicts the strong motive of the petitioner and wife of the deceased to eliminate him.

6. Keeping in view overall attending circumstances of the case, this Court is of the considered opinion that the petitioner does not qualify for the grant of bail at this stage and hence, the present petition, being denuded of any merit, is hereby dismissed.

7. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

November 17, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES