



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3334-2024(O&M)

Reserved on: 30th October, 2025

Pronounced on: 7th November, 2025

Deepak @ Lindu

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Akshay Kumar Dahiya, Advocate for the appellant.
Mr. Apoorv Garg, Additional Advocate General, Haryana.
None for respondent No.2.

MANISHA BATRA, J :-

The instant appeal has been filed against the order dated 03.06.2024 passed by learned Additional Sessions Judge, Sonipat in case arising out of FIR No. 62 dated 23.02.2019 registered under Sections 302, 201 and 120-B of IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') at Police Station Murthal, District Sonipat.

2. As per the allegations, in the morning of 23.02.2019, the complainant Rajesh was going towards his fields when he found the dead body of one female aged around 18-20 years lying therein. It was partially burnt and partially eaten by dogs. A case under Section 302 of IPC was registered. Investigation proceedings were initiated. Post mortem examination and inquest proceedings were conducted. The dead body was identified to be that of victim Seema @ Sanju on 26.03.2019.

3. As per the further allegations, the accused Deepak @ Dimple



who was in custody in another case bearing FIR No. 59 dated 22.02.2019, registered under Sections 363 and 366 of IPC at Police Station Murthal, suffered a disclosure statement about his involvement in the murder of the victim. He was joined into investigation of this case on 29.03.2019 and was formally arrested. He was interrogated and suffered disclosure statement admitting his involvement and also the complicity of the present appellant and co-accused Tarun Kathuria @ Taru and Shivani. All of them were nominated as additional accused. The accused Deepak @ Dimple got recovered the burnt clothing of the victim and the vehicle used by him in the crime. The accused Shivani and Tarun Kathuria @ Taru were arrested and took the name of the appellant. Accused Tarun Kathuria disclosed that he used to ply an auto-rickshaw and had been called by the appellant to come to his farm on the night of 21.02.2019 wherein the victim was killed and he was made by the accused Shivani to take dead body of the victim from there to the fields on Murthal road, where it was thrown. The accused Tarun Kathuria @ Taru also recorded his statement under Section 164 of Cr.P.C.. He turned approver and vide order dated 15.06.2020 passed by the trial Court, he was ordered to be examined as a witness.

4. The appellant was arrested on 03.04.2019. He too suffered disclosure statement to the effect that he was in love with accused Shivani and on her asking, had hatched a conspiracy in which, the co-accused had been joined, victim Sanju @ Seema who was a friend of accused Deepak @ Dimple was called to his farm was made to consume alcohol and had been killed by way of strangulation. Her dead body was set ablaze to some extent and was taken to the house of accused Shivani for showing that it was of the



latter but since they could not succeed in taking the dead body of the victim inside the house of accused Shivani, the same was thrown at the spot from where it was recovered. Since the victim belonged to schedule castes community, offence under Section 3 of SC/ST Act was also added. Investigation now stands concluded.

5. It is argued by learned counsel for the appellant that the impugned order dated 03.06.2024 is liable to be set aside as while passing the same, learned trial Court ignored the fact that he was not named in the FIR and has been falsely implicated in this case on the basis of disclosure statements of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him. He has a permanent abode. There are no chances of his absconding. The trial will take considerable time to conclude. There is no direct evidence of murder of the victim and the case is based on circumstantial evidence. There is no circumstance on record to connect him with the crime. PW-2 Itwari Lal has turned hostile. It is, therefore, urged that the impugned order is liable to be set aside, the appeal deserves to be allowed and the appellant deserves to be given concession of bail.

6. *Per contra*, learned State counsel has argued that allegation against the appellant are serious in nature. There is overwhelming material on record to connect him with the crime. He was extended benefit of interim bail and had misused the same since two FIRs under Section 307 of IPC were registered against him during that period. As such, there are chances of his misusing the concession of bail again if granted to him. The co-accused Tarun who has turned as approver/witness is yet to be examined. The hostile



testimony of witness PW-2 -Itwari Lal, who was a witness of last seen cannot be considered to be the reason for extending benefit of bail to the appellant. It is, therefore, urged that the appeal does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. The appellant is alleged to have hatched a conspiracy with the co-accused Shivani, Deepak @ Dimple and in pursuance thereof, is alleged to have called the victim Sanju @ Seema in his farm house wherein she had been killed. Co-accused Tarun Kathuria @ Taru was also involved in the offence, but he has been declared an approver and has been allowed to be examined as a witness. His sworn deposition is yet to be recorded before the learned trial Court. The complainant was a formal witness. Two witnesses namely PW-2 Ashu and PW-3 Deepak have turned hostile but they were not eye-witnesses to the occurrence and were identifiers of the dead body. PW-4 Itwari Lal, grandfather of the victim was also a formal witness and the fact that he has been declared hostile does not come to the rescue of the appellant in any manner whatsoever. The allegations against the appellant are quite serious in nature. The co-accused who has turned approver and a material witness is yet to be examined. The possibility that the appellant may intimidate him cannot be ruled out. The appellant is shown to have played the most active part in causing death of the victim. The victim had been killed at his place. Undoubtedly, out of 43 prosecution witnesses 16 have been examined so far. The appellant stands accused of a heinous offence punishable with capital punishment or life imprisonment. While length of



incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. Considering the gravity of the offence, the long period of incarceration of the appellant cannot by itself, serve as a ground for bail. 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)*.

9. In view of the above discussed facts, this Court is of the considered opinion that no case for granting concession of bail to the appellant had been made out and as such, no infirmity can be found to be in the order passed by learned trial Court. Accordingly, finding no merit in the appeal, the same is dismissed.

10. Since the main appeal has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th November, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No