

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:176532



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CRM-M-48070-2025 (O&M)
Date of decision:22.12.2025

Jaybir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Choudhary, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present one is the fourth petition as filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.360, dated 17.08.2020, registered under Sections 201, 302, 34, 404 IPC, at Police Station Kharkhoda, District Sonipat, Haryana. His previous petitions were dismissed being not pressed by this Court.

2. As per the allegations, on 16.08.2020, one car was found burning in the fields near Kharkoda-Rohtak Bypass, which was got extinguished by the police through fire brigade and on checking the same, a dead body was found lying on the rear seat of that car. Its chassis number was checked to ascertain the ownership, which was found to be in the name of Shamsher Singh. On 17.08.2020, complainant – Umed Singh father of Shamsher Singh reached at the hospital, wherein the dead body was kept and

identified the said dead body. He submitted a written complaint. A case under Section 302 IPC was registered. Investigation proceedings were initiated. During investigation, secret information was received on 24.08.2020, on the basis of which, accused Geetu was apprehended. On interrogation, he suffered disclosure statement to the effect that on 16.08.2020, on asking of his friend, Sagar and the present petitioner/Jaybir, who is father of Sagar, they had planned to kill the victim, who owed money to accused Sagar and was not returning the same. The victim was called in the house of accused Sagar and Jaybir and was made him to consume liquor and while he was consuming the same, as per the conspiracy hatched, the accused Geetu and Sagar had opened an attack upon him with *gandasi*. The petitioner had also joined them and they had killed the victim. Thereafter, his dead body was wrapped in a plastic cover, shifted into the rear seat of his own vehicle and was taken to the fields. The car as well as dead body was burnt and then they had fled from the spot.

3. As per the further allegations, the petitioner and co-accused Sagar surrendered before the jurisdictional Magistrate on 27.08.2020 and were formally arrested on the same day. They also suffered disclosure statements admitting their involvement in the crime and demarcated the place of occurrence. The petitioner got recovered a ring worn by the victim at the time of occurrence, whereas, the co-accused also got effected recoveries of two pieces of bracelet of the victim and the motorcycle used in the crime. Investigation now stands concluded and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has

been falsely implicated in this case. He is in custody since 24.08.2020. He was not named in the FIR and his arrest is based on disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. There was no eye witness to the alleged occurrence. The recovery of ring was allegedly from an open pit and not from the exclusive possession of the petitioner. PW4 Ravi has not identified the petitioner to be the assailant. The trial will take considerable time to conclude. His prolonged incarceration, which militates it against his right to liberty, has made him entitled to concession of bail. It is, thus, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner. Three petitions already filed by him have been dismissed as being unpressed. Most of the prosecution witnesses stand examined and therefore, there are no chances of any further delay in conclusion of the trial. It is also argued that even otherwise, taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with the co-accused is alleged to have committed murder of the victim on 16.08.2020. The case rests upon the circumstantial evidence. Now, the trial is almost complete as out of 24 prosecution witnesses, 19 have been examined and 03 prosecution witnesses have been given up by the learned public prosecutor being unnecessary. As such, only 01 witness remains to be examined. It is, therefore, obvious that there would be no further delay in conclusion of the trial. The allegations

against the petitioner are quite serious in nature. Recovery of incriminating material has been effected from him, which prima facie establishes his complicity in the crime. Taking into consideration the gravity of the allegations, the quantum of sentence which the conviction may entail and the above discussed facts but without meaning to make any comment on the merits of the case, lest the same prejudice the trial in any manner, this Court is of the considered opinion that no case for allowing the present petition is made out.

8. Accordingly, the petition is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

22.12.2025

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE