



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

226

**CRM-M No.48855 of 2025
Date of decision : 8.9.2025**

Gulshan**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Dheeraj Narula, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.145 dated 12.9.2019, under Sections 302, 201, 147, 149 of the IPC and Section 25 of Arms Act, 1959 (Section 120-B of IPC added later on), registered at Police Station Nathu Sarai Chopta, District Sirsa.

2. As per contents of the FIR, it was alleged as under :

'Today I INSP/ SHO along with HC Amit Kumar 257, CT Om Parkash 441 on government vehicle bearing registration no. HR-57-9938 make Gypsy driven by Driver EHC Dayanand 843, were present near Nejia Kheda for official work. That Police Station MHC informed that dead bodies of two young boys are laid in Kutana Miner Nathusari Kalan and in this regard, Control Room has been informed. ASI Rajender Singh 544, Constable Hanuman Singh 1435, HGH Radheshyam 2149, HGH Surjit 4558, HGH Virender 2226 are sent on spot to take action. On this information, I INSP/



SHO along with co- employees am reached on spot. where ASI Rajender Singh 544 along with his co-employees was found present and numerous persons were found present on spot and dead bodies of two unidentified young boys were present inside Kutana Miner, on which several injury marks are present. That Dr. Ajmer Singh of Scene of Crime Team was called on spot telephonically and in his presence, both dead bodies were examined. That both dead bodies are of age group about 25-30 years and injury marks caused by sharp edged weapon are present on their heads, face, neck, hands, feet and back. That some unidentified persons after murdering these both unidentified young boys with sharp edged weapon and putting these dead bodies in Kutana Miner with intention to misappropriate them, have committed offence punishable under Section 302/ 201 IPC and on conducted enquiry about them till date, they have not been identified. Hence said report is being sent to police station by hand of Constable Om Parkash 441 for registration of FIR. After registering FIR, case number may be intimated and special report of said case may be sent in the service of Duty Magistrate and Senior Officer and Halqa Officer may be informed to reach on spot.'

3. Counsel for the petitioner submits that the case built by prosecution against the petitioner is merely based upon confessional statement alleged to have been made by petitioner while in police custody which is inadmissible in evidence. Petitioner is behind bars for more than 5 years and 11 months.

4. Learned State counsel submits that apart from confessional statement made by accused, there is recovery of one *kappa* made from accused.

5. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner is more than 5 years, 11 months, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the



satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

8.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No