



239/2 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision:29.04.2025

(i) CRM-M-52930-2024

Rajesh alias Raju ...Petitioner

vs.

State of Haryana ...Respondent

(ii) CRM-M-3836-2025(O&M)

Vikram ...Petitioner

vs.

State of Haryana ...Respondent

**Coram :** Hon'ble Mr. Justice N.S.Shekhawat

**Present :** Mr. Manish Soni, Advocate and  
Mr. Gurdeep Grewal, Advocate  
for the petitioner (in both petitions).

Mr. Gurmeet Singh, AAG, Haryana.

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**N.S.Shekhawat J.(oral)**

**CRM-5661-2025 in CRM-M-3836-2025**

1. Application is allowed as prayed for subject to all just exceptions.

Annexure P-7 is taken on record.

**Main cases:-**

1. This order shall dispose off above-said two petitions i.e. CRM-M-52930-2024, titled as Rajesh alias Raju Vs. State of Haryana and CRM-M-3836-2025 titled as Vikram Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.0627 dated 28.12.2023 registered under Sections 302/34 of IPC (Sections



201/420/468/471 of IPC added later on), at Police Station Badshahpur, District Gurugram.

2. The FIR was initially registered on the basis of the statement made by Mahender Meena and the same has been reproduced below:-

*“To, The SHO Sahib, Police Station Badshahpur, District Gurugram (Haryana), Sir, it is requested that I Mahender Meena s/o Sh. Vibhag Meena is permanent resident of village Bhalatala, Tehsil Lakshmangarh, Police Station Lakshmangarh, District Rajasthan. My younger brother Mithun @ Samay Singh who is living at Mahipalpur, Delhi with his children who is working private job. On 27.12.2023 at 10:52 PM, Rajesh @ Rajju who is living with my brother apprised telephonically that Mithun @ Samay Singh met with an accident in Gurugram. After sometime, he told that scuffle has taken place and vehicle has been run over Mithun alias Samay. One boy Mukesh, Narsi Meena and Viram were also present on the spot and these persons have repeatedly run over vehicle upon Mithu @ Samay. Now I have come at Police Station with my uncle. I am fully sure that these four persons Rajesh, Mukesh, Vikram and Narsi Meena have committed murder of my brother Mithun @ Samay Singh with planning. Legal action be taken against them and justice be given. After conducting of post-mortem, dead body of my brother be handed over to us. Sd/- Mahender Meena.”*

3. Learned counsel for the petitioners contends that even though, the petitioners have been named in the FIR, but they have been falsely involved only on the basis of the suspicion. He further contends that even no overt act has been attributed to the petitioners and they have been simply shown to be present at the place of occurrence along with Mukesh, main accused. Apart from that, even the version of the prosecution was self-contradictory and the



prosecution is yet to lead evidence before the trial Court to prove the involvement of the petitioners in the crime. Learned counsel further submits that even the prosecution had alleged that the vehicle, which was used in the commission of crime, was driven by Mukesh, main accused and both the petitioners were occupants of the car with him. Learned counsel further submits that in the present case, the petitioners were arrested on 30.12.2023 and are in custody for the last 01 year and 03 months. Moreover, by referring to the testimony of PW-1 Mahender Meena (Annexure P-3), learned counsel submits that he had not supported the case of the prosecution. The other two witnesses i.e. PW-2-Om Parkash (Annexure P-4) and PW-3-Vijay Singh Meena (Annexure P-5) had also turned hostile. Thus, there is no admissible evidence against the petitioners and apparently, their false implication is at large. Apart from that, the petitioners were never involved in any other criminal activity in past. Since all the material witnesses have already been examined in the present case, there are no chances of tamper with the prosecution evidence.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners had consumed liquor with Mukesh and had killed Mithun @ Samay Singh in a brutal manner.

5. I have heard learned counsel for the parties and perused the record carefully.

6. In the present case, both the petitioners are continuing in custody for the last 01 year and 03 months and all the material witnesses have already been examined. However, all witnesses had not supported the case of the prosecution. Moreover, the main allegations were levelled against Mukesh, co-



accused, who has already in custody and it has been shown that the petitioners were allegedly accompanying Mukesh in the car.

7. At this stage, without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioners shall surrender their passport(s), if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.*



*(viii) The petitioners shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the rojnamcha. In case, they do not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

8. It is made clear that the above observations have been made only for the limited purpose of the disposal of the bail applications and the trial Court shall decide the case on the strength of the evidence led before the Court.

(N.S.SHEKHAWAT)  
JUDGE

29.04.2025  
hemlata

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