



CRM-M-54883-2024

1

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

CRM-M-54883-2024
Decided on : 27.10.2025

Kanhaiya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mandeep Singh Kundu, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana

SANJAY VASHISTH, J.

1. Petitioner-Kanhiya has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 189 dated 07.04.2023 registered under Section 346 IPC (Sections 302, 364, 201, 120-B IPC added later on) at Police Station Hodal, Palwal District Palwal (Haryana).
2. Initially in regard to the missing of boy namely Vishal aged 16 years from his house, aforementioned FIR was got registered, without naming anyone by his-father Mahender Singh.
3. Counsel argues that on 08.04.2023 complainant gave his supplementary statement that accused Vinit s/o Ghansyam @ Ghansi and his father-Ghanshyam @ Ghansi r/o Hodal have kidnaped his son for the purpose of killing. Thereafter, accused-Vinay was arrested who in his disclosure statement

**CRM-M-54883-2024****2**

nominated one Mohit by saying that on 06.04.2023 at about 10:00 p.m., while he alongwith his father and sister Divya had gone to sleep after taking meal, at around 12:30 night on hearing a noise, they found that deceased-Vishal had entered in his house. Thereupon, he was apprehended and was made to sit in a room after tying his hands and legs. He (accused Vinit) called his friend Mohit and thereafter all three of them gave beatings to Vishal with dandas and belt and also gave fist and kick blows. When he was trying to run away, on giving kick by me he fell down and there he died. Me (accused Vinit) and his friend Mohit took him on motorcycle and was thrown in a canal.

Further argues that again on 09.04.2023, second disclosure statement of accused Vinay was recorded who further nominated that Tiklu Kohli and one more boy of Palwal were involved. On arresting of accused-Tiklu on 22.11.2023, he gave disclosure statement regarding involvement of Ghanshay, Vinay, Mohit and another boy of Palwal. On arresting of Mohit and from his disclosure statement on 31.01.2024, he disclosed involvement of Ghanshay, Vinay, Tiklu, Azad and Kanhiya (petitioner herein).

Counsel further argues that one of the main accused-Ghanshaym has already expired on 19.04.2023 during investigation and Mohit was declared as Juvenile, therefore, present trial is being faced by accused Vinay, Tiklu and petitioner-Kanhiya. One more accused Azad is yet to be arrested.

Thus, prime argument is that at initial stages petitioner's involvement was not even remotely suggested in any of the disclosure statement(s) and it is primarily disclosure statement of the Juvenile Mohit only, who disclosed the name of petitioner, though without describing any specific role of his involvement.

Further argues that out of total 33 prosecution witnesses only two have

**CRM-M-54883-2024****3**

been examined and therefore, petitioner who is inside jail since 31st January 2024 need not be detained for indefinite reasons any longer inside jail. Till date only one witness has been examined. Disclosure statement is not an admissible evidence and no recovery has been effected, therefore, prays for grant of regular bail.

4. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that the petitioner has actively participated in the incident as his name surfaced in the disclosure statement of the co-accused Mohit. As per the statement of said co-accused, the petitioner even participated till the time of disposal of the dead body. He lastly submits that the scooty bearing registration No. HR-50G-9239 used in disposal of the dead body was recovered from the possession of the petitioner. However, learned State counsel does not dispute that except of the disclosure statement and the alleged recovery of scooty, no other material is available at this stage to be referred against the petitioner to the Court.

5. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that there are total 33 prosecution witnesses and only two have been examined till date and it shows that the trial is not running at a required pace. The petitioner is in custody since 31.01.2024 and the allegations are yet to be established by the prosecution, which have been brought up with the help of disclosure statement of co-accused Mohit. It is not disputed that the petitioner is young boy of 21 years and is not even alleged to be involved in any other criminal case.

6. In view of entirety of circumstances, noticing the young age of the petitioner and that no other criminal case is registered against him and also the fact

**CRM-M-54883-2024****4**

that out of total 33 prosecution witnesses, only two have been examined till date, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. Petition stands disposed of.

October 27, 2025

reena

**(SANJAY VASHISTH)
JUDGE**

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