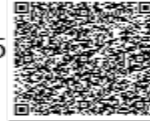


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:069145



CRM-M-58143-2024
Date of decision:22.05.2025

Jitender

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sukesh Kumar Jinal, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.798 dated 07.10.2022 registered under Section 302 IPC at Police Station Old Industrial, Panipat.

2. Adumbrated facts as emanating from the record are that on 07.10.2022, on receipt of an information regarding a murder having taken place in the vicinity of Kuldeep Nagar, Panipat a police party rushed towards the spot and reached there. The dead body of Vinesh Kashyap was found lying. His uncle Suresh Kumar submitted a written complaint alleging therein that the victim used to run a chicken/meat shop. Sometime back, an altercation had taken place between him and the present petitioner and the victim had apprised about that fact to the complainant. The petitioner had,

however, started visiting the victim and talking to him. He alleged that on the night of 06.10.2022, the victim came home and had left thereafter by telling the complainant that the present petitioner had come to meet him and since he would be staying with the victim at night, hence he was taking dinner for both of them. However, on 07.10.2022, he received information about murder of the victim and had found his dead body. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated.

3. As per further allegations, petitioner was arrested on 15.10.2022. He was interrogated and suffered disclosure statement admitting his involvement in the crime and in pursuance thereof, demarcated the place of occurrence and got recovered an iron rod used in the occurrence, clothing and shoes that were worn at the time of killing the victim. He also got recovered the mobile phone belonging to the victim. Investigation now stands concluded and the petitioner is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eye witness to the murder and the case rests upon circumstantial evidence. There is no incriminating circumstance to connect the petitioner with the offence of murder of the victim. He is a youth having clean antecedents. A false recovery has been planted upon him. The trial is going at a snail's pace and would take considerable time to conclude. He is in custody since long. His further incarceration would not serve any useful purpose. The complainant stands examined and there are no chances of his intimidating any witness since

only formal witnesses remained to be examined. With these submissions, it is urged that he deserves to be released on bail.

5. Status report has been filed. It is argued by learned State counsel that allegations against the petitioner are quite grave in nature. He was specifically named in the FIR. The complainant – Suresh Kumar has been examined by the prosecution and while appearing as PW3, he has categorically supported the prosecution version. His testimony is very important and is a material circumstance to connect the petitioner with the murder of the accused. There are several other circumstances pointing towards the guilt of the petitioner and simply because there was no eye witness to the murder, he cannot be considered to be innocent. The trial is going at a fast pace and most material witnesses have been examined. Prolong incarceration of the petitioner cannot be considered to be a ground for extending period of bail to the petitioner. Accordingly, it is stressed that the petition does not deserve to be allowed.

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

7. The petitioner is alleged to have eliminated the victim Vinesh on the night of 06.10.2022 by inflicting injuries on his head with a rod that has been recovered at his instance. He is further alleged to have committed offence of theft by stealing the mobile phone of the victim. As per the medical report, the possibilities of these injuries being caused by the above said rod, cannot be ruled out. Recovery of incriminating material has been effected at his instance. There is nothing on record to suggest that there would be undue delay in conducting of the trial. It is well preposition of law

that prolonged period of custody in cases of heinous crime cannot be considered to be an important ground for release on bail. Taking into consideration the nature of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

22.05.2025*harjeet***(MANISHA BATRA)
JUDGE**

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