



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

222

CRM-M-56224-2024

Date of decision: 08.07.2025

Virender

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Ms. Samridhi Sareen, Advocate for  
Dr. Deipa Singh, Advocate  
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.203 dated 17.09.2019 under Sections 302 and 34 of the IPC registered at Police Station Bahin, District Palwal.

2. Learned counsel for the petitioner submits that a perusal of the allegations levelled in the FIR, annexed as Annexure P-1, itself reveals that other the presence of the petitioner having been shown with co-accused Niratgopal, there is no allegation much less any overt-act attributed to him. It has been submitted that even as per the case of the complainant, it was co-accused Niratgopal, who while consuming liquor with the deceased, entered into a spat and thereafter strangled the deceased as well as inflicted injuries with a brick on his person. Learned counsel has submitted that even assuming for the sake of



CRM-M-56224-2024

arguments though not conceded, that the petitioner was indeed consuming liquor with the co-accused and the deceased, his presence merely cannot be a ground to nominate him as an accused moreso when even motive has not been attributed to him to have committed the crime in question; motive to commit the crime in question has in the FIR itself been attributed to co-accused Niratgopal, who as per the complainant had strained relations with the deceased. Learned counsel has argued that in a case resting on circumstantial evidence, without there being any witness of last seen or any qualitative evidence on record to link the petitioner with the alleged murder, he has been languishing in custody for close to six years having been arrested on 17.09.2019, and till date the trial has not concluded.

3. On a pointed query, learned counsel for the petitioner has categorically replied that the petitioner has no previous criminal antecedents.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed that the case of the prosecution hinges on circumstantial evidence; the contents of the FIR have also not been disputed by the learned State counsel on instructions wherein co-accused Niratgopal is alleged to have inflicted injuries upon and strangled the deceased. However, it has been asserted by the learned State counsel, on instructions, that a recovery of a bloodstained shirt and towel have been made from the petitioner following his arrest.



CRM-M-56224-2024

5. On a pointed query, learned State counsel, however, has not disputed that the motive to commit the crime in question has not been attributed to the petitioner nor any injury as per the allegations levelled in the FIR has been attributed to the petitioner, much less fatal.

6. Learned State counsel, on further instructions, although has also not disputed that the prosecution evidence is still underway, however, he submits that only 04 prosecution witnesses out of the 18, remain to be examined. It has been submitted that the next date fixed before the learned Trial Court is 23.07.2025 when some of the remaining witnesses have been summoned to depose before the learned Trial Court.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. In a case based wholly on circumstantial evidence, the petitioner has been languishing in custody since 17.09.2019. As per allegations levelled in the FIR which stands reproduced hereinunder other than the petitioner's presence having been shown along with prime accused Niratgopal, no overt-act much less motive to commit the murder of the deceased has been attributed to the petitioner:-

*“To SHO sir/madam, Bahin, I am Girraj son of Hari singh caste Koli resident of Gahlab police station Bahin. We are six brothers. My brother Ramjit was taken away by one Niratgopal son of Shiyaram caste Jogi resident of Gahlab around 7:30 in the morning to consume liquor. Among those drinking were Niratgopal son of Shiyaram, Virender son of Nirotum caste Harijan and my elder brother Ramjit son of Hari singh, all three while drinking liquor at village mines started quarrelling with each other. Then Nirgopal opened a rope from the Bonge in the mine and strangled my brother Ramjit, when conscious hit him with bricks on the head and killed him. A tussle was*



CRM-M-56224-2024

*already going on between Nirgopal, his family and us and due to this animosity Niratgopal and Virender have murdered my brother. Let legal action be taken against them. LTI- Giriraj complainant Girraj son of Harisingh village Gahlab dated 17.9.19.”*

9. The petitioner is not stated to be involved in any other criminal case. Keeping in view the long custody period of the petitioner and the possibility of the trial still taking some time to conclude, this Court deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. It is made clear that while admitting the petitioner to bail, the Court concerned may impose any stringent conditions as it deems fit so as to ensure his presence on each and every date of hearing before the learned Trial Court.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

08.07.2025

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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