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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.55617 of 2025
Date of Decision: 15.12.2025

Manish @ Aloo @ Kala ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Randeep S Dhulla, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
79	27.02.2022	Dharuhera, District Rewari	302, 364, 396, 346, 387, 201 read with Section 34 of IPC, 1860 and Section 25 of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Lalit Kumar alleging therein that his elder brother Aditya Kumar aged about 42-43 years used

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to ply a vehicle from Dharuhera to Gurugram from the last many years. On 26.02.2022, he had come to Dharuhera taxi stand at about 7:00 AM with vehicle Eeco van bearing registration No. HR-26-3803. He had taken some passengers from Dharuhera stand and had gone to Gurugram and thereafter came back at Dharuhera taxi stand and at that time, he had a telephonic conversation with his family members and informed them that he was going with some passengers to village Tapukada. He further alleged that on the previous evening, the children of his brother had called him and he had told them that he was stuck somewhere. Thereafter, his mobile phone was found switched off. He alleged that in the morning of 27.02.2022, an information was received by the registered owner of the aforementioned Eeco van vehicle Dayaram that the said vehicle was lying abandoned and had been taken to police post Khor. Feeling suspicious that something had happened with his brother, he prayed for taking action.

3. As alleged, initially a case under Section 346 of IPC was registered. Investigation proceedings were initiated. On 28.02.2022, the dead body of Aditya Kumar was found lying in the forest area of village Kehrani. Offence under Section 302 of IPC was added subsequently. Inquest proceedings and post mortem examination of dead body was conducted and he was found to be murdered. The call detail record of mobile phone of the victim was obtained and it was found that one SMS was received at his mobile number from a particular cell number 6375950269, which was in the name of Babu Ram, resident of Alwar.

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4. As per the further allegations, the above named Babu Ram was joined into investigation and disclosed that the victim had dialed cell No.9518842811 through his mobile phone. He had come to the house of the accused Rajbir which is in his own neighbourhood. He also disclosed that he had received a message at about 9:59 PM from that mobile number and gave screen shot of the same. The accused Rajbir was joined into investigation. He was interrogated and suffered disclosure statement to the effect that he along with the present petitioner and co-accused had killed the victim, had snatched money kept in his pocket and had thrown his dead body in the forest area of Village Kehrani. The accused Sandeep and Sanjay were arrested initially. They too were interrogated and suffered disclosure statements on the basis of which offences under Sections 387, 396 and 201 read with Section 34 of IPC were added. The petitioner was arrested on 06.03.2022. On interrogation, he too suffered disclosure statement to the effect that initially, he had hatched a conspiracy with the accused Sanjay @ Khiladi and the co-accused to eliminate one Lalit who was having relationship with the female members of family of accused Sanjay. They had planned to abduct the said Lalit and had hired the vehicle of the victim. However, they could not find Lalit. The victim had come to know about their plans of abducting someone in the meanwhile. He had some verbal altercation with the victim and then they had hatched a plan to extract money from the victim and then to kill him and it was in pursuance thereof, they had taken him to the forest area of Village Kehrani, had assaulted him,

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struck injuries with knives, strangled him and then after taking out cash amount of Rs.3000/- from his wallet, had thrown his dead body in the forest area. He also got recovered the knife used by him in the occurrence. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

5. It is argued by learned counsel for the petitioner that he is in custody for a period of over 3 years and 9 months. The trial will take considerable time to conclude as several witnesses are yet to be examined. The co-accused against whom similar allegations have been extended benefit of bail. On parity, he too deserves to be given the same benefit. He was not named in the FIR. The material witnesses Babu Ram, Sandeep, Lalit Kumar and Ganga Ram have not supported the prosecution version with regard to the involvement of the co-accused as well as himself in the murder of the victim. The case is based on circumstantial evidence and there is no circumstance to connect him with the crime. A false recovery has been planted upon him. His continued detention would not serve any useful purpose. Therefore, it is argued that the petition deserves to be allowed.

6. Per contra, learned Assistant Advocate General, Haryana has argued that there are serious allegations against the petitioner. Recovery of incriminating article i.e. the knives used at the time of occurrence has been effected from the petitioner as well as co-accused. There are chances of petitioner's absconding, if extended benefit of bail. It is, thus, argued that the petition does not deserve to be allowed.

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7.

This Court has considered the rival submissions.
8.

As per the allegations, the petitioner by hatching conspiracy with the co-accused had committed the murder of the victim after abducting him and robbing him of his money. There is no eye witness to the occurrence and the case is based upon circumstantial evidence. The material witnesses namely, PW-1 Sandeep, taxi driver, PW-2 Lalit Kumar brother of the deceased, PW-4 Ganga Ram, taxi driver and PW-5 Babu Ram have since been examined and have not supported the prosecution version. The petitioner is in custody w.e.f. 06.03.2022. The trial will take considerable time to conclude. Taking into consideration the nature of the evidence that has come on record, the period spent by the petitioner in custody, on parity and facts peculiar to the case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petitioner deserves to be extended benefit of bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

15.12.2025
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(MANISHA BATRA)
JUDGE

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