



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

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CRA-S-3184-2025

Date of decision: 03.12.2025

NITESH ALIAS NIKU

....Appellant

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Susheel Gautam, Advocate for the appellant.

Ms. Jasmine Gill, AAG, Haryana.

YASHVIR SINGH RATHOR. J.(Oral)

1. This is an appeal in case FIR No.324, dated 25.08.2024, registered at Police Station Sector 27, Sonapat, District Sonapat, under Sections 103(1), 238(A) and 3(5) of BNS, 2023 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 04.10.2025 vide which bail application moved by appellant has been dismissed.
2. Learned counsel for the appellant as well as learned State counsel have been heard and material collected by the police during investigation has been perused.
4. The present case was registered on the basis of complaint given to the police by Sushila (complainant) with the allegations that on 25.08.2024 at about 8.10 AM, her brother Pardeep had gone to drop her at the turn near FIMS Hospital, Bahalgarh Road, Sonipat on his motorcycle bearing registration No.HR-10AK-6423 from where she boarded an auto rickshaw for going to Sonipat and he returned to his home. After about 20 minutes, she received the information that



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her brother Pardeep has been murdered by someone by causing injuries to him with knife blows when he was returning to the house. She alighted from the auto and reached at the spot where the dead body of Pardeep was found lying smeared with blood. She alleged that her brother had been murdered by some unknown persons by stabbing him with knife. The matter was investigated. Later on, she got recorded a supplementary statement on 26.08.2024 to the effect that she has verified the facts at her own level and has come to know that her brother Pardeep has been murdered by Rahul @ Kali and Nitesh @ Nikku (present appellant) and thereafter, they both were arrested on the same day. They suffered disclosure statements admitting having committed the offence in question due to some previous verbal altercation that had taken place between them and the deceased. They stated that they had murdered him by causing knife blows and one knife was left at the spot and thereafter, they went to Haridwar and threw away their blood stained clothes. In pursuance of his disclosure statement, accused got recovered motor cycle and Nitesh @ Nikku (present appellant) got recovered the knife used in committing the offence. After completion of investigation, final report has been presented for trial in the Court.

5. Learned counsel for the appellant argued that Rahul @ Kali has been falsely implicated in the present case. The present case is based on circumstantial evidence. No one had seen the deceased or the accused together or the incident taking place. There is no material on record to show any past enmity except the disclosure statement suffered by the accused Rahul @ Kali and Nitesh @ Nikku (present appellant) which are not admissible in evidence. Even complainant has been examined during the trial and she has admitted that she had not witnessed the



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accused and she has not even deposed that she has verified that the accused had committed the murder. Though, she stated that Rahul @ Kali and Nitesh @ Nikku (present appellant) were following her and her brother when they were going on a motorcycle but she has been confronted with statement Ex. PW-1/A wherein it is not so recorded. Learned counsel next contended that in the present case, there is no evidence against the appellant except their own disclosure statement and recovery of knife. The trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the appellant is not required and he deserves to be released on bail.

6. On the other hand, learned State counsel has opposed the bail and argued that appellant has committed heinous offence and he does not deserve the concession of bail.

7. Present case is based on circumstantial evidence. No one had seen the occurrence taking place and the murder was allegedly committed by some unknown persons. Appellant was arrested on 26.08.2024 on the basis of suspicion. Only one knife has been recovered from appellant. No one had seen the accused and the deceased together. As to how much evidentiary value will be attached to the disclosure statement suffered by the accused shall be subject matter of trial. Only 9 witnesses have been examined till date, out of 26 cited by the prosecution. The trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the appellant is not required and he deserves to be released on bail.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and



appellant is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

9. Pending misc. application (s), if any, shall also stand disposed of.

03.12.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No