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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-59752-2025
Decided on : 04.11.2025

Ritik alias Kaku

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sumit Sangwan, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.0135 dated 29.05.2024, under Sections 148, 149, 302, 307, 323 and 506 IPC (Section 120-B IPC was added later on), registered at Police Station Dadri City, District Charkhi Dadri.

2. There is an eyewitness account, namely complainant-Rahul, who himself sustained injuries in the incident and has already deposed before the learned trial court through his statement dated 18.03.2025 (P-6).

Mr. Sumit Sangwan, Advocate for the petitioner, refers to the examination-in-chief recorded from the said eyewitness, which reads as follows:

“ Stated that I am the resident of aforesaid address and pursuing ITI as student. On 28.05.2024, I alongwith Sunil Saini alias Akash, Mohit, Jayant, Mohit and 2-3 other persons, were celebrating the birthday of Jayany at Kadian Guest House in



front of Bus Stand, Charkhi Dadri. At about 10:30 P.M we were eating food in a room, then about a sudden four persons named Sunny alias Billa, Munder, Shubham and Rahul alias Mulla Jaat initially entered in the room and they started beating me and Akash. Rahul alias Mulla Jaat stabbed with a knife (Chhuri) at the left side of the chest of Akash (since deceased). Then Akash fell down and then Shubham stabbed with a knife (Chhuri) at the left back side of Akash. I tried to rescue Akash during which the knife (Chhuri) also injured my left hand smallest finger. At this stage, the witness shown the mark sustained by the above said injury. Then Sunny alias Billa hit my head with a rod and Munder hit me with a rod (Iron Pipe) at left thigh. Then I became I little bit unconscious and they dragged me out from the room. I was unconscious and do not recollect that who inflicted further injuries upon me. I was admitted in PGIMS Rohtak where police met me and recorded my statement on 29.05.2024. (At this stage learned PP for the State requested that witness is suppressing the truth and not disclosing the true facts and requested to declare the witness hostile and he may be allowed to cross-examine the Witness. Request allowed”

3. Mr. Sumit Sangwan, Advocate for the petitioner, further argues that the name of the petitioner is neither mentioned in the FIR nor can any offence be established from the alleged confessional statement relied upon by the prosecution. Counsel submits that as per the case of the prosecution, petitioner's location was noticed within 100 yards of the place of the incident, and no active role or participation has been attributed to him.

Counsel for the petitioner further submits that the entire incident, which took place in a room of hotel, was recorded in a video



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camera installed there. However, as per the CCTV footage, the prosecution has been unable to establish the petitioner's presence at the scene.

It is further submitted that petitioner is in custody since 06.07.2024, i.e., for approximately one year, three months, and twenty eight days, but nothing was recovered from his possession. Additionally, there is no call details record or any other evidence, remotely suggesting that the petitioner was a conspirator in the murder.

4. Counsel confidently refers the statement of the eyewitness and states that even the eyewitness, whose statement has been recorded before the Court, has not named the petitioner or raised any suspicion in any manner, or that any kind of enmity between the petitioner and the deceased, was existing.

5. Counsel also points out that one of the accused, namely Rahul s/o Satbir, whose presence was observed in the CCTV footage, has already been granted bail by trial Court primarily on the ground that he was not involved in any manner.

Besides, learned counsel submits that similarly situated co-accused of the petitioner, i.e., Mandeep @ Kaka, has already been granted concession of regular bail by this Court vide order dated **01.10.2025**, passed in **CRM-M-32163-2025**, titled as, "**Mandeep @ Kaka v. State of Haryana**".

Therefore, by relying on these submissions, and considering the lack of substantial evidence against the petitioner as well as the period of incarceration already undergone, prayer is made for the grant of bail.

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6. On the other hand, learned State counsel has filed reply dated 03.11.2025, by way of affidavit of Dheeraj Kumar, HPS DSP/HQ, Charkhi Dadri on behalf of respondent/ State in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper book.

Learned State counsel, while referring to paragraph No. 8 of the preliminary submissions of the aforesaid reply, submits that the petitioner actively participated in the crime as a member of an unlawful assembly. It is explained that the petitioner was keeping vigil at the spot to monitor passersby and the police, while the crime was being committed.

7. This Court has perused the contents of the petition and the appended documents thereto, in addition to the status report, and has carefully considered the submissions made by the respective counsel. This Court is surprised to observe that the reply filed by the learned State counsel unnecessarily includes details regarding the registration of other cases against the co-accused, seemingly to create a serious impression on the Court, despite there being no such necessity.

It is also admitted position that petitioner could not be seen in the CCTV footage of the place of occurrence, nor the eyewitness named or raised any suspicion against him. Furthermore, petitioner is in custody, since 06.07.2024, amounting to over one year and about four months, without there being any substantive material, having been recovered from his possession or any evidence linking him directly to the commission of the alleged offence. Considering totality of circumstances and the prolonged



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period of incarceration already undergone, this Court finds merit in the prayer of the petitioner.

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/Illaq 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**.

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

(SANJAY VASHISTH)
JUDGE

November 04, 2025

J.Ram

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