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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64749 of 2024
Date of Decision: 15.02.2025
Reserved on: 05.02.2025

Rohit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Tanwar, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana and
Mr. Anil Kumar Chahal, DAG, Haryana.
for the respondent-State.

MANISHA BATRA, J.

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.	Dated	Police Station	Sections
647	30.06.2023	Karnal Sadar, District Karnal	346, 302, 201 and 120-B of IPC

2. As per the prosecution case, the aforementioned FIR was initially registered under Section 346 of IPC on the basis of a complaint filed by the complainant Kamaluddin alleging that on the night of 29.06.2023 his youger son Azam had left home at about 9 PM while intimating that he had received call from someone. He did not return back home. They had made search for him but could not find him. After

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registration of FIR, investigation proceedings were initiated. On 02.07.2023, the body of the victim Azam was found lying in a pond of Village Sheikhpura Sohna. Offence under Section 302 of IPC was added. Postmortem examination of the dead body and inquest proceedings were conducted. Several injuries were found on the dead body. On 05.07.2023, the complainant recorded a supplementary statement alleging that the co-accused Tamanna who was wife of his elder son Gafar was having illicit relations with the present petitioner and he suspected that the petitioner and Tamanna had a hand in the murder of the victim. The petitioner was arrested on the same day. He was interrogated and suffered disclosure statement admitting the factum of his relationship with Tamana and further disclosed that on 25.06.2023, the victim had caught the co-accused and himself red handed at his house when they were in objectionable condition and feeling scared, he had cut the nerves of his hands and had left that place. He further disclosed that subsequently, he had hatched a conspiracy with co-accused Tamanna in pursuance of which she had called the victim and told him to go to the petitioner by making an excuse that the petitioner was going to die and would involve them. On hearing so, the victim had gone to meet the petitioner at the village pond wherein he was killed by the petitioner. The co-accused Tamanna was also arrested on the same date. The investigation has since been concluded.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The co-accused Tamanna has been extended benefit of regular bail vide order dated

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18.11.2024 passed by this Court. There is no direct evidence to connect the petitioner with the offence of murder of the victim or to prove that he was having any illicit relationship with the co-accused. The case is based on circumstantial evidence and the chain of circumstantial evidence is totally incomplete. The trial would take time. His further detention would not serve any useful purpose. Therefore, it was urged that he deserves to be released on bail.

4. Reply by the respondent-State had already been filed. Learned Deputy Advocate General, Haryana had argued that there are serious allegations against the petitioner. Evidence has been collected to show that the mobile phone of the petitioner was having the location of the place of occurrence at the relevant time. There was also call detail record to show that the petitioner had been regularly talking with the co-accused. There are several circumstances indicating the involvement of the petitioner in the murder of the victim. The trial may be expedited. Therefore, it was urged that the petition does not deserve to be allowed.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner by hatching a conspiracy with the co-accused is alleged to have committed the murder of the victim by extending several injuries to him. The case of co-accused is not at the similar footing. The trial is going on and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature of the subject offences, the role attributed to the petitioner, the quantum of sentence which

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the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

15.02.2025
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(MANISHA BATRA)
JUDGE

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