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

CRM-M-65132-2024

Date of Decision:22.05.2025

SUMIT

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C.1973/483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.785 dated 12.09.2023, registered under Sections 302, 201, 346, 34 of IPC, 1860, Police Station Barwala, Hisar.

2. The FIR in the present case was registered on the basis of the statement made by Pawan Kumar and the same has been reproduced below:-

*“To. The Station House Officer, Police Station Barwala;
Subject: Regarding missing person. Respected Sir, It is hereby requested to you that I, Pawan Kumar son of Geeta Ram caste Brahmin, resident of Khedad and does the work of agriculture. My son namely Bhaskar having age 20 years, has gone somewhere from home without informing anyone on dated 06-05-2023. Till date, we have been searching for him in the neighborhood and*



among all our relatives, but no trace of Bhaskar has been found. My son has mobile number 7404237510 with him. Which is now coming to be switched off. The appearance of my son Bhaskar is as follows: Age 20 years, fair complexion, Long face, slim body, height 5.8, wearing lower & t-shirt. Due to unawareness, we could not register the report on time and today on dated 12.09.2023, I have come to the police station & registering this report. I hereby request you to search for my son and find him and kindly register his missing report. Thank you, SD/ Pawan Kumar Applicant Pawan Kumar son of Geeta Ram caste Brahmin, resident Khedar 98136-84410”.

3. Learned counsel for the petitioner contends that as per the case set up by the prosecution, Bhaskar, since deceased had left home on 06.05.2023 and his dead body was discovered by the police on 15.05.2023. However, the dead body was not identified by the police on 15.05.2023. Thereafter, Pawan Kumar, complainant lodged the present FIR on 12.09.2023. He further submits that even in the FIR, there is not even vague reference of the petitioner and has been falsely involved without any evidence. During the course of investigation, the police is alleged to have recorded the statement of Lakshay @ Dhola, a witness, who stated that he had conversation with Anil, co-accused in which Anil had confessed that the present petitioner and Anil, co-accused had killed the deceased. Except the said evidence, there is no other legally admissible evidence against the petitioner. Even the petitioner was arrested in the present case on 06.10.2023 and is in custody for the last one year and 07 months. He further contends that only one witness out of total 16 witnesses has been recorded so far by the trial Court. Thus, the further custody of the petitioner will not serve any useful purpose.



4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. He further submits that 06 other cases were ordered to be registered against the petitioner.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. It is an admitted fact that initially the petitioner was not named in the FIR and has been arrested on the ground of the statement of a witness Lakshay @ Dhola, who had recorded his conversation with Anil, co-accused. Except the said evidence, no other evidence has been collected against the petitioner so far. Thus, the prosecution is yet to lead evidence regarding the involvement of the petitioner in the crime and the trial may not conclude in near future. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.



(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

22.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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