



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

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**CRM-M No.65920 of 2025
Date of decision : 2.12.2025
Date of uploading : 2.12.2025**

Abhijeet**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Jeevanjit S. Kang, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.4 dated 3.1.2024 under Sections 302, 201, 120-B and 34 of the IPC (Section 34 IPC deleted and Sections 25(1-B)(a), 27(1), 25(6), 25(7)(i), 25(1)(a) of Arms Act added later on), registered at Police Station Sector-14, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, SHO PS Sector-14 Gurugram Naina Pahuja D/o Ashok Kumar Pahuja resident of 226/21 Lane no 158 Baldev nagar near Pataudi Chowki Want to Complaint against Abhijeet Balraj in regard to murder of my sister Divya Pahuja She was last went to meet Abhijeet on 01.01 2024 and was last active on call on 2nd Jan 2024 by 11.50 AM. We tried to contact her phones but her number was not reachable then I went to



Abhijeet house located in South Ext-1-21 2nd Floor New Delhi where his friend Balraj was present and was having Divya's phone. I collected the phone and reached to Abhijeet Gurgaon hotel where my sister was last present We requested him to show us the Cameras but he kept on denying and arguing with me. In last I called police and they investigated. I found my sister blazer in Abhijeet hotel and when I was Coming back from his hotel he handed me over my sister Divya Debit card and pan card saying she left it with him, where I felt more fishy. In investigation I found blood Stains on floor and her ring, shoes sperticals in Abhijeet Store room. Abhijeet house keepers helped him disposing the body of Divya. House keepers name is Hemraj and Prakash. Abhijeet also offered people 10 Lakhs to get rid of the body. Anup his partner also helped him decomposing the body. Divya was the main witness in Sandeep Gadoli case and we have full Surety that Sandeep Sister and his brother gave money to Abhijeet for the Murder. We request respected police to investigate Sudesh Kataria and Bharna Prakash Kataria in this Matter in CCTV clips it is clearly Visible that Abhijeet killed Divya and wrapped her in a white Sheet and stored her body in his BMW blue car no DD03K2400 It is also clear that one lady with boy haircut and wearing black white sweater is also involved in this Murder case We request police to take a strict action against them. I registered The FIR in Sector-14 police station in presence of my mother Sonia Pahuja today i e., 03.01 24.'

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 3.1.2024. Learned senior counsel has further argued that the prime prosecution witnesses already stand examined and they have been turned hostile. Learned senior counsel has further submitted that the petitioner is not involved in any other FIR-case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned



in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 3.1.2024 and stated to be in continuous custody since then. Challan in the present case was presented on 30.3.2024 wherein total 15 prosecution witnesses have been cited, out of which 9 have been examined till date. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contention of learned counsel for the parties; including the weightage required to be attached to the testimonies of hostile witnesses; shall be gone into during the course of trial. This Court



does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.2 As per custody certificate dated 1.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 10 months and 15 days. As per the said custody certificate, the petitioner is stated to be involved in one more case/FIR. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is



ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

2.12.2025
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