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218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision: 21.04.2026

VISHESH KAMBOJ @ GOURAV @ GOLU ... PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS is for the grant of regular bail in case bearing FIR No.76 dated 31.01.2025 registered under Sections 103(1), 238(b), 3(5) and 301 of BNS, at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. The FIR was registered on the statement of Bhisham Bakshi, which reads as under:-

“Copy of the application is as follows: An application letter, serial no.298/5A dated 31.01.2025, from the In-charge of Police Station Puruwala, District Sirmour, Himachal Pradesh, was received at Police Station City Yamunanagar via post as a Zero FIR No. 01 dated 31.01.2025 under sections 103(1), 301, 238, 3(5) of the BNS, registered at Police Station Puruwala, District Sirmour, Himachal Pradesh, which is as follows: Statement of Shri Bhisham Bakshi, son of Late Shri



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Karamchand Bakshi, resident of H.No. 10E, Professor Colony, near Shiv Mandir, Yamunanagar, P.S. City Yamunanagar, District Yamunanagar, Haryana, aged 64 years, Mobile No. 9896076067, who stated that I am a resident of the aforementioned address and am retired from Indian Railways as an MCM. Currently, I am in the business of making Flex Boards. I have one son and one daughter. My daughter, Priyanka Bakshi, does business in Canada. My son, Vishank, used to work with me. Yogesh Tyagi and Vishesh Kamboj were my son's friends. My son used to drink beer occasionally but did not consume any other intoxicants. Occasionally, my son used to send money to Vishesh Kamboj from my wife Seema Bakshi's account, which I came to know about after Vishank went missing. On 26-01-2025 as well, my son sent Rs. 91,000 to Vishesh. On 26-01-2025 itself, at around 11:30 AM, my son left with his clothes in a bag, stating that he was leaving for Chandigarh. At around 8:30 PM, my wife last spoke to Vishank, and he told her that he was in Chandigarh. On 27-01-2025, when my wife and I called our son to speak with him, his phone was switched off. We thought that the battery might have died. When my wife told my sister-in-law's son, Shubham, that Vishank had deposited money into Vishesh's account yesterday and that Vishank's phone was now switched off. Shubham did not have Vishesh's mobile number. He spoke to his friend Pankaj, and Pankaj told him that he had Vishesh's number. Upon this, on the evening of 27-01-2025, he spoke to Vishesh Kamboj on mobile number 9996877736 from his friend Pankaj Kumar's mobile number 7015911671 and inquired about Vishank. Vishesh Kamboj



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told him that he did not know, and that he had gone to Chandigarh. When Shubham asked him about the money received in his bank account, he said that Vishank himself had deposited the money in his account and had taken his ATM card. On 28-01-2025, Shubham again called Vishesh's mobile from his mobile no. 7777009370, which was answered by his wife, Sakshi Kamboj. When Shubham asked about Vishank, Sakshi also said the same thing that Vishesh had said. After that, we inquired about Vishank from his friends, but no one had any information about him. On 30-01-2025, I had gone to Delhi for my work. On 30-01-2025, Shubham received a phone call stating that the Himachal Police had come to the City Police Station and were inquiring about Vishank's address. Upon which, Shubham and my wife reached City Police Station, Yamunanagar. There, they received information that on 28-01-2025, my son Vishank's body, in a semi-decomposed state, had been thrown into a gorge near Sataun in the Sirmour district of Himachal Pradesh by Vishesh Kamboj and Yogesh Tyagi, and that after conducting Vishank's post-mortem, the Himachal Police had kept the body in the mortuary of Civil Hospital, Ponta Sahib, for identification. The Himachal Police has detained two youths, Yogesh Tyagi, son of Shri Rohitash Tyagi, resident of H.No. 227 Govindpuri, Yamunanagar, Haryana, aged 25 years, and Vishesh Kamboj, son of Shri Roshan Lal, resident of H.No. 20 Govindpura, Yamunanagar, Haryana, aged 29 years, along with car no. HR02N8811. My son's mobile no. 9806836116 is switched off. However, my son's Facebook and Messenger are still On. I am certain that the aforementioned Vishesh Kamboj

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and Yogesh Tyagi compelled my son Vishank to give them money, called him to their place, and then, on the night of 26/27-01-2025, at the house of either Vishesh Kamboj or Yogesh Tyagi, deliberately murdered him by making him consume some poisonous or intoxicating substance, and thereafter, his body was thrown at some other location. This is my statement, which I have read, and it has been typed as per my dictation and is correct. Sd/-Bhisham Kr 31.1.2025.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The case is based entirely on circumstantial evidence. Taking the allegations to be correct, the deceased is stated to have accompanied the petitioner. As per the postmortem report and the FSL report, there is no conclusive finding regarding the cause of death of the deceased. The co-accused, namely Yogesh Tyagi has been granted the concession of bail vide order dated 15.07.2025 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri. As the petitioner is in custody since 31.01.2025 but only 05 of the 36 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 03.04.2026, which is taken on record. While referring to the said reply, he contends that the petitioner received an amount of Rs.91,000/- in his bank account from the account of the mother of the deceased. With a view to avoid repaying of the said amount, the deceased was done to death by



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administering an overdose of drugs. Therefore, the petitioner is not entitled to the concession of bail. He, however, concedes that there is no conclusive opinion regarding the cause of death of the deceased, that a co-accused, namely Yogesh Tyagi has been granted the concession of bail vide order dated 15.07.2025 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri, that the petitioner is in custody since 31.01.2025 and that only 05 of the 36 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. Para 5 of the reply filed by the State counsel reads as under:-

"That as per the Post mortem Report and FSL report of the deceased Vishank, the medical opinion regarding his cause of death is reproduced below:

"In the light of the above reports, the post mortem report has been reviewed and my final opinion in the case is: Injuries No. 1 and 2 ante mortem in nature and fracture was post mortem in nature. Due to advanced putrefaction and absence of poison cause of death cannot be ascertained. However, possibility of death due to natural causes cannot be ruled out."

*Sd/- English/- dated 31.03.2026, Assistant Professor, Deptt. of Forensic Medicines, Dr. Y.S. P.G. M.C. Nahan, Distt. Sirmour (HP). The copy of the said medical opinion is enclosed herewith as **Annexure R-5.**"*

7. It would be a moot point during the course of the trial as to whether the death of the deceased was homicidal in nature. The petitioner is in custody since 31.01.2025 but only 05 of the 36 prosecution witnesses have

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been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vishesh Kamboj @ Gourav @ Golu is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned upon furnishing fresh bail bonds/surety bonds.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

21.04.2026

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