

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

2026.PHHC:040474



153

CRM-M-11963-2026(O&M)
Date of decision: 16.03.2026
Date of uploading: 16.03.2026

Shekhar Matta

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE SUMEET GOEL

Present :- Mr. Suraj Mandhan, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

Mr. Munish Mittal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.154 dated 15.03.2021 registered under Section 346 of the Indian Penal Code, 1860 (Sections 302, 201, 120-B, 34 IPC added later on) at Police Station Indri, District Karnal.

2. The FIR in the present case has been registered on the complaint of Suresh, son of Rati Ram. The same reads thus:

“To SHO Sahib Ji, Police Station Indri, Karnal, regarding the missing person, to inquire thoroughly from the driver and the owner of the vehicle, Sir, my request is that my name is Suresh son of Ratiram from village Murad Garh, my son Hemraj, whose age is around 20 years, was taken by Goldy on 08-02-2021 for the job of helper on a loading

vehicle, he had left him with as a helper on the loading vehicle of driver Shekhar, on which he is also a driver. Shekhar and Munish, who are resident of Gheer, Munish is from Kamboj caste and Shekhar is Matta, after a week they started beating my son, after which my son told me that when I spoke to Shekhar driver, he said that your son does not listen to us, that is why we beat him, but on 12-03-21, I spoke to my son for the last time, in which he told me that they beat me and sent me a photo on WhatsApp and said to take him away, I am in danger of my life from them, but he received a call from the driver on next morning on 13-03-21 around 10:00 AM and said that your son is missing, my son should be searched and the driver and the car owner should be thoroughly interrogated. Whose complexion is light fair and height is 5 feet 6 inches, wearing a shirt with lines and black pants, I request you sir that I should be given full assistance, my son should be searched, I have full faith in the law, thank you.”

3. Learned counsel appearing on behalf of the petitioner contends that the complainant had initially reported to the police that his son Hemraj has been missing since 13.03.2021. On the receipt of the said information, the instant FIR was registered for offence under Section 346 IPC on 15.03.2021. He further contends that since the complainant had suspected the petitioners of having wrongfully confined his son Hemraj, hence, the petitioner was interrogated by the police and he had joined the investigation multiple times. The petitioner even consented to undergo a polygraph test but the police never carried out the said test against him. Finding no incriminating evidence, the police filed an untraced report on 26.10.2021. The case in hand was however reopened on 26.12.2024 i.e. nearly 04 years after the initial incident on the basis of a dead body having been recovered in Bihar described as that of a person approximately 05 feet 05 inches in height and wearing a light colour trouser and black T-shirt. It is contended that upon reopening of the case, the

petitioner was taken in custody yet again on 11.03.2025 and Sections 302, 201, 120-B, 34 IPC were added in the FIR. It is submitted by counsel for the petitioner that there are numerous missing links that are indicative of the petitioner's innocence. He submits that:-

- (i) The prosecution has failed to prove any motive on the part of the petitioner for causing the death of Hemraj. The sole reason for his nomination is that Hemraj is stated to have informed his father i.e. the complainant-Suresh that he was being harassed by the petitioner herein but the same cannot be construed as a motive for committing murder of Hemraj.
- (ii) There is no recovery of any weapon from the petitioner or at his disclosure.
- (iii) The dead body has been recovered in Bihar and there is no explanation as to how and under what circumstances the body reached there. Further, there is no evidence collected with respect to the presence of the petitioner in Bihar, at the relevant point in time, apart from the confessional statements recorded during custody.
- (iv) Neither any CDR nor any other documentary evidence has been placed on record to establish presence of the petitioner in Bihar at any time between 13.03.2021 and 15.03.2021 when the FIR was registered and/or between the time when the petitioner was joined in police investigation.
- (v) The petitioner has clean antecedents and is now being sought to be prosecuted solely on account of lack of any evidence

available against any other person and that too after more than 04 years after the incident and without establishing the identity of the body recovered.

(vi) No DNA examination has been conducted in the present case.

4. Learned State Counsel does not dispute that the petitioner has been nominated as an accused solely on the basis of the petitioner having been named by complainant-Suresh to be the person who had grudge against his deceased son-Hemraj. He further contends that the petitioner is stated to have confessed to the killing of Hemraj and to having disposed of the body in Bihar after killing him there. He, however, does not dispute that no recovery has been effected and that the case of the prosecution rests upon the confessional statements alone. It is also not disputed that the petitioner has no criminal antecedents and an untraced report had initially been submitted in the case.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

6. Taking into consideration the nature of allegations levelled against the petitioner; the period of custody undergone by him; the absence of any recovery; the prosecution having recommended a cancellation report at earlier point of time and noticing that arguable issues arise with respect to the motive, the manner in which the offence is committed as well as the identity of the deceased, all of which are to be tested during trial, I deem it appropriate to allow the present petition.

7. The instant petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

10. Pending application(s), if any, shall stand disposed of.

16.03.2026

Naveen

**(SUMEET GOEL)
JUDGE**

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