



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-17391-2026 (O&M)

Date of decision: 07.04.2026

Manoj Kumar

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Samay Singh Sandhawalia, Advocate and
Mr. Divyansh Som Garg, Advocate for the petitioner(s).

Mr. Paras Talwar, Sr. DAG Haryana

VINOD S. BHARDWAJ, J. (Oral)

CRM-13808-2026

Application is allowed as prayed for.

Main case:

1. The instant petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.134 dated 28.04.2024, registered under Section(s) 302, 201, 34 of the Indian Penal Code, 1860 at Police Station Bahalgarh, District Sonipat.

2. The present FIR has been registered on the basis of a complaint submitted by Rakesh, son of Dharampal, resident of Village Liwaspur, District Sonipat. It is stated in the complaint that the complainant has two brothers, out of whom the youngest was Yogesh alias Lalu, while the elder brother, Jai Bhagwan, had died in an accident approximately 15 years prior. It is further stated that Jai Bhagwan was married and after his demise, his widow Babita was remarried to Yogesh alias Lalu. Out of the said wedlock,

a daughter named Deepanshi, aged about 12 years, was born. The complainant has further averred that, about 10 years prior to the present incident, Yogesh had killed his wife Babita due to a family dispute, for which he was convicted and remained in custody for about 5 years and thereafter was released on bail for a period of approximately 5 years. It is further alleged that on 28.04.2024, at about 8:30 a.m., the complainant's uncle, Dayanand, informed him that Yogesh alias Lalu had been murdered at Sanskrit High School, Bahalgarh, by the school watchman Manoj and his wife Sarita by assaulting him with a hammer. Upon receiving this information, the complainant reached the said school along with his uncle. It is alleged that, upon reaching the spot, the complainant found Manoj (watchman) and his wife Sarita present in their room, who stated that they had killed Yogesh during the night by striking him with a hammer while he was sitting near the main gate of the school. The complainant further stated that he thereafter went towards the gate and found the dead body of his brother lying in bushes along the roadside. On the basis of the aforesaid allegations, the complainant approached the police and submitted a written complaint at the spot, seeking initiation of legal action against Manoj and his wife Sarita for the murder of his brother Yogesh alias Lalu.

3. Learned counsel appearing on behalf of the petitioner contends that the entire case of the prosecution rests primarily on an alleged extra-judicial confession said to have been made by the petitioner before Dayanand, the uncle of the deceased Yogesh @ Lalu. It is submitted that no other direct or independent incriminating evidence has been brought on record to substantiate the involvement of the petitioner. It is further

contended that the deceased himself was a convict in a prior murder case, and that, as per the prosecution version, the petitioner and the deceased were consuming liquor together at the relevant time. It is alleged that during the said interaction, the deceased made an indecent proposal to the petitioner concerning his wife, Sarita, which led to a sudden altercation. It is the case of the prosecution that, thereafter, the petitioner brought a hammer from his house and inflicted injuries upon the deceased, resulting in his death. Counsel contends that the petitioner has been in custody since 29.04.2024 and has undergone an actual custody of nearly 02 years. It is also submitted that the petitioner has clean antecedents and is not involved in any other criminal case. It is further contended that, out of a total of 19 prosecution witnesses, only 8 witnesses have been examined so far and the conclusion of trial is likely to take a long time. Learned counsel also submits that there would be arguable issues as to whether the offence alleged in the present case would be made out as well as to the impact of the provocation attributed to the deceased, which may have a bearing on the culpability of the petitioner. It is further argued that co-accused/Sarita, wife of the petitioner, has already been granted the concession of regular bail vide order dated 14.05.2025 passed by this Court in CRM-M-61939-2024, thereby entitling the petitioner to similar relief on the ground of parity.

4. Learned counsel for respondent-State does not dispute the facts as noted above, however, he submits that the recovery of the weapon used in the offence i.e. the hammer has been effected from near the gate of the school. He further submits that certain stains were found on the said hammer; however, as per the histopathological report, no conclusive opinion

could be rendered with respect to the nature or origin of the said stains. The period of custody, the clean antecedents of the petitioner and the stage of the trial are not disputed.

5. Having heard the learned counsel for the parties and taking into consideration the facts and circumstances noted above, including the arguable issues with respect to the involvement of the petitioner, the nature of the offence alleged against him and as to whether the plea of sudden provocation may be available to the petitioner herein coupled with the period of actual custody already undergone by him, his clean antecedent as well as the stage of trial, wherein a substantial number of witnesses remain to be examined and the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is ***allowed*** and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

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

8. 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.

(VINOD S. BHARDWAJ)
JUDGE

07.04.2026

Mangal Singh

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