

2026 PHHC 069818



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-18060-2026

Date of decision: 5th May, 2026

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parshant Sethi, Advocate for the petitioner.

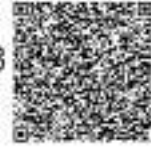
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 858 dated 10.12.2024 registered under Sections 103(1), 190, 191(3), 61 and 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station HTM, Hisar.

2. The aforementioned FIR was registered on the basis of the statement made by the complainant-Ramniwas alleging therein that his son Surender was employed in a barber shop. In the afternoon of 09.12.2024, he had come home to have his lunch and left at about 1:30–2:00 P.M., but he did not return home thereafter. In the morning of 10.12.2024, the complainant received information that the dead body of his son was lying in the bushes in

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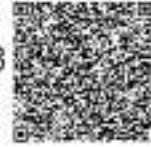


the vicinity of Sector 1-4 adjoining New Jawahar Nagar, Hisar. The complainant rushed to the spot and found the dead body of his son lying there. Several injuries were found on the dead body and some blood-stained stones were also lying nearby. He raised suspicion that the present petitioner and co-accused Sahil @ Bacchi, Monu Bihari, Rohit, Kaku, Monu and Vikram, who had previous enmity with his son, might have killed him.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body and inquest proceedings were conducted. During the course of investigation, the petitioner and co-accused, Ajay @ Kalu and Suraj @ Golu @ Dholu were joined in the investigation and were formally arrested. They suffered disclosure statements admitting their involvement in the murder of the victim and demarcated the place of occurrence. The petitioner disclosed that he had taken the cell phone of the deceased but had thrown the same. Offence under Section 238 of BNS was added against him. He got recovered one trouser worn by him at the time of occurrence. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eyewitness to the occurrence. The case rests upon the circumstantial evidence, and during the course of investigation, no circumstance forming a chain of circumstances has been collected to connect the petitioner with the murder of the victim, which was in fact a blind murder. The disclosure statements suffered by him and the co-accused cannot be considered to be admissible in evidence. A false recovery

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has been planted upon him. The trial will take considerable time to conclude as only 02 prosecution witnesses have been examined so far. His involvement in two other cases cannot be considered to be a reason for denying benefit of bail to him. No useful purpose would be served by detaining him in custody anymore. The co-accused Suraj, whose case is on similar footing, has been extended benefit of bail. On parity, the petitioner too deserves to be released on bail. It is, therefore, argued that the petition deserves to be allowed.

5. Status report has been filed. It is vehemently argued by learned State counsel that the allegations against the petitioner are serious in nature. The call detail records of the mobile phone of the petitioner, co-accused Ajay and Suraj @ Golu were collected during the course of investigation and the tower location of the same was found to be of the same place as of the place of occurrence at the relevant time. This fact *prima facie* suggests the complicity of the petitioner in commission of the subject offences. The blood-stained clothing of the petitioner had been got recovered at his instance. He has also demarcated the place of occurrence. Trial may be expedited. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner, in connivance with the co-accused, is alleged to have committed the murder of the victim. The petitioner is in custody since 11.12.2024. The co-accused Suraj had been extended benefit of bail mainly on the ground that he was not named in the FIR. As per the status report filed

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by the respondent-State, the call detail record of the mobile phone, issued in the name of brother of the petitioner but used by him, has revealed that the tower location of the same and of the mobile phones of two co-accused was the same as that of the place of occurrence. This fact is *prima facie* suggestive of presence of the petitioner at the spot of the occurrence at the relevant time and his involvement therein. As such, it cannot be stated that his case is at parity with the co-accused, who has been extended benefit of bail. Taking into consideration the nature of the accusations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this court is of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th May, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |