

2026.PHHC.078827



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-27144-2026

Date of decision: 19th May, 2026

Rakesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naresh K. Chhokar, 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. 116 dated 23.02.2022 registered under Sections 302, 364, 201, 34 and 120-B of IPC at Police Station Gannuar, District Sonipat.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Raj Kumar, alleging therein that his brother Anil was having a love affair with Nirmala, wife of Ram Niwas. Her family members had come to know about their relationship. He alleged that on the noon of 17.02.2022, the present petitioner, who is son of Nirmala, along with co-accused Ravi, Himanshu, Ankit, Sandeep and Monu, had abducted Anil by hatching a conspiracy to kill him and had taken him somewhere. He

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prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. The present petitioner was arrested on 23.02.2022. On interrogation, he suffered a disclosure statement and admitted therein about hatching a conspiracy with the co-accused to kill the victim Anil, since he had defamed his family by harassing his mother Nirmala. He further disclosed that his mother had called the victim at the bus stop of his village in pursuance of that conspiracy and then all of them had abducted him, took him to Kaliaana Canal and had inflicted injuries on his person with batons and knives, thereby causing his death. He further disclosed that to destroy the evidence of the offence, they had removed the clothing of the victim and had thrown him into the canal after setting the dead body of the victim ablaze. In his disclosure statement, he also stated that the vehicle of the victim was dismantled into several parts and was then sold to accused Ravi. He also demarcated the place of occurrence.

4. As per the further allegations, the dead body of the victim had been recovered from a canal existing in the area of police station Bawana, Delhi. The same was identified by the family members of the victim. Other accused were subsequently arrested. Investigation now stands concluded.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eyewitness to the murder of the victim. The co-accused namely Ankit, Manjeet, Rajesh, Ravi and Sandeep have been extended the benefit of bail. He deserves to be treated on parity

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with them. He is in custody for a period of more than 04 years and 03 months. The chances of conclusion of trial in the near future are bleak as only 17 out of 32 prosecution witnesses have been examined so far. His antecedents are clean. His prolonged incarceration militates against his fundamental rights of liberty and speedy trial. It is, therefore, argued that the petition deserves to be allowed.

6. Notice of motion.

7. Learned State counsel has accepted notice of the petition and is ready to argue the matter. While placing on record, the custody certificate of the petitioner, it is submitted by him that the allegations against the petitioner are serious in nature as he in connivance with the co-accused, had abducted the victim and had assaulted him and then killed him, and after setting the dead body of the victim ablaze, had thrown the same into a canal so as to cause disappearance of evidence of the offence of murder. Therefore, it is stressed that the petition does not deserve to be allowed.

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

9. The case is based on circumstantial evidence. There is no eyewitness to the murder of the victim. The petitioner has been implicated on the allegations of hatching conspiracy with the co-accused to commit murder of the victim. He has been in custody for a period of over 04 years and 03 months. The co-accused Rajesh, Manjeet, Ankit, Ravi and Sandeep have been extended the benefit of bail. The petitioner deserves to be treated on parity

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with them, especially in view of the fact that there are no chances of conclusion of trial in the near future. There is nothing on record to show that the delay in conclusion of trial is attributable to the petitioner. As such, his further incarceration would be in violation of his fundamental rights enshrined under Article 21 of the Constitution of India. Taking into consideration the above discussed facts, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and he has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

10. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th May, 2026
Parveen Sharma

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