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

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**CRA-S-1812-2025 (O&M)
Date of decision: 13.02.2026**

Gori Singh**...Appellant****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Dinesh Maurya, Advocate and
Mr. Ripin Chaudhary, Advocate
for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Deepak Kumar, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) by the appellant challenging the order dated 25.02.2025 passed by the Court of learned Additional Sessions Judge, Fatehabad (*hereinafter referred to as 'the learned trial Court'*), whereby an application filed by him under Section 439 of Cr.P.C. for grant of regular bail in case arising out of FIR No. 34 dated 15.02.2024, registered under Sections 302, 201, 34 and 120-B of IPC and Section 3(2)(va) of the SC/ST Act at Police Station City Ratia, District Fatehabad, had been dismissed.

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2. The adumbrated facts, as emanating from the record, are that the victim Gosha Kaur, who was working as a nurse in Tohana, had gone missing since 04.02.2024, and an FIR was registered under Section 346 IPC in this regard. On 15.02.2024, her dead body was found floating near the Ghaggar River at Ratia. The same was taken out. As nobody claimed the dead body, it was cremated after conducting inquest proceedings and post-mortem examination. On 10.07.2024, the respondent No. 2-complainant, who is the father of the deceased, identified his daughter from the photographs and alleged that she had been murdered by the accused Ramphal, who had been pressurising the victim to marry him, but she had refused.

3. As per the further allegations, the accused Ramphal @ Rafi was arrested on 12.02.2024, after being produced by his brother at the police station. He suffered a disclosure statement admitting his involvement in the murder of the victim Gosha Kaur, by disclosing that in December, 2023, he had entered into a criminal conspiracy with the present appellant to kill the victim, as she had been pressurising him to marry her even after his marriage. As per the disclosure made by him, the appellant had introduced him to a contract killer, namely Jagdish alias Khan, who had agreed to kill the victim in lieu of money. In pursuance of the conspiracy hatched by them, he (Ramphal) had called the victim to Tohana and had taken her in his Swift car. While on the way, the accused Jagdish alias Khan joined them and both of them strangulated the victim with a muffler and a mobile charging wire, thereby causing her death. They concealed the dead body in the boot of the car, which was subsequently packed in a sack and thrown into the Ghaggar

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River. He further disclosed that he had paid an amount of Rs. 2.5 lacs to accused Jagdish. The appellant was nominated as an additional accused and was arrested on 14.02.2024. On interrogation, he too suffered a disclosure statement admitting his involvement in the crime. Investigation now stands concluded and the appellant filed an application for grant of bail, which has been dismissed by the learned trial Court vide the impugned order dated 25.02.2025.

4. It is argued by learned counsel for the appellant that the impugned order dated 25.02.2025 is unsustainable in the eyes of law as the learned trial Court has ignored material facts of the case and has rejected the application in a mechanical manner. The appellant was not named in the FIR, which was initially registered against unknown persons and has been implicated solely on the basis of disclosure statement of co-accused Ramphal, which have no evidentiary value in law. No independent or corroborative evidence connects the appellant with the alleged offence. Respondent No. 2 had come to claim the dead body as of his daughter after a gap of about five months. Even DNA report is still awaited. No recovery of any incriminating article has been effected from the appellant and the alleged role attributed to him is peripheral in nature, which, even if taken at face value, does not justify his continued incarceration. The appellant himself belongs to SC/ST community. Hence, the provisions of SC/ST Act are not attracted against him at all. It is further argued that the investigation stands completed, challan has been presented and the appellant is no longer required for custodial interrogation. His continued custody would amount to pre-trial punishment.

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The appellant has been in custody since 14.07.2024 and the trial is likely to take considerable time. Co-accused Buta Singh @ Popli and Sagar have already been granted concession of regular bail. On parity, he too deserves to be given the same benefit. With these broad submissions, it is argued that the present appeal deserves to be accepted and the appellant deserves to be given benefit of regular bail.

5. *Per contra*, learned State counsel, assisted by learned counsel for respondent No. 2, has vehemently argued that there is no illegality or infirmity in the impugned order as the present case pertains to a heinous and pre-planned murder committed pursuant to a criminal conspiracy, in which the appellant played an active role by facilitating the main accused and introducing him to the contract killer. The appellant has been implicated on the basis of disclosure statements, including his own, which prima facie established his involvement and at the stage of bail, detailed appreciation of evidence is impermissible. Considering the gravity of the offence, the manner of its commission and the possibility of the appellant influencing witnesses, no ground for grant of regular bail is made out and the appeal deserves dismissal. There are chances of the appellant's intimidating the witnesses, if extended benefit of bail. The case of the appellant is on different footing than the co-accused, who have been granted concession of bail. Hence, it is urged that the present appeal is liable to be dismissed.

6. This Court has heard the rival submissions.

7. At the outset, it is evident that the present case pertains to a brutal and pre-meditated murder of a young woman, which, as per the prosecution

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version, was committed pursuant to a well-hatched criminal conspiracy. The allegations against the appellant are not casual or peripheral. As per the material on record, it is the appellant who facilitated the main accused by introducing him to the contract killer, thereby playing a significant role in execution of the crime. Though the appellant was not named in the FIR but his nomination is based upon disclosure statements of the main accused as well as his own disclosure statement, which at this stage, prima facie indicate his involvement in the conspiracy. At the stage of consideration of bail, this Court is not required to undertake a detailed appreciation of evidence or examine its probative value. The contention raised on behalf of the appellant regarding absence of recovery, delay in identification of the deceased and pendency of DNA report are matters which require consideration during trial and cannot be treated as decisive factors for grant of bail at this stage, particularly in a case involving a charge under Section 302 IPC. It will also be a matter of trial whether the provisions of SC/ST Act are attracted against the appellant or not.

8. So far as the plea of parity is concerned, the same is misconceived. The co-accused, namely Buta Singh @ Popli and Sagar, who have been granted the concession of bail, stand on an entirely different footing, as the allegations against them are limited to supplying the sack used for disposal of the dead body. The role attributed to the appellant, who is alleged to have facilitated the conspiracy by introducing the contract killer, is qualitatively distinct and graver in nature. As per the above discussed facts and circumstances, considering the seriousness of the offence, the manner in

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which it is alleged to have been committed, the specific role attributed to the appellant and the apprehension expressed by the prosecution regarding intimidation of witnesses, this Court does not find any ground to interfere with the impugned order passed by the learned trial Court. Consequently, the present appeal is dismissed.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No