



CRM-M-30569-2025

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

217**CRM-M-30569-2025****Date of Decision: 29.01.2026**

Amit @ Nitu

..... Petitioner

Versus

State of Haryana

.....Respondent

227**CRM-M-60392-2025****Date of Decision: 29.01.2026**

Rahul Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gaurav Vir Singh Behl, Advocate and
Mr. Jugraj Singh Chouhan, Advocate,
for the petitioner in CRM-M-30569-2026.

Mr. Aadil Chaudhary, Advocate,
Mr. Nayeem Rana, Advocate,
Mr. Dinesh Kumar, Advocate and
Mr. Jaideep Rana, Advocate, for the petitioner
in CRM-M-60392-2025.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. By this order, the two above-mentioned petitions are disposed of, both having arisen out of the same FIR.

2. Prayer in the present petitions is for grant of regular bail to the petitioners in a case FIR No.327 dated 28.08.2020, registered under Section 346 IPC (Sections 302, 201 and 120-B IPC added lateron), at Police Station Sadar Rohtak, District Rohtak.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of Balwanti. It was alleged that her elder son Sandeep (deceased) left home on 16.08.2020 at around 04:00 p.m. saying



that he is going to Kharkhoda, District Sonipat. However, he did not return home. His phone was also found to be switched off. They made their best of the efforts to trace him, but could not trace him out. Thus, a missing report was lodged and a search for the missing person was initiated. During search, dead body of Sandeep was found in the area of Police Station Dadri, District Gautam Budh, UP. Thus, the present FIR was registered and the investigation commenced. During investigation, complicity of the petitioners, namely, Amit @ Nitu and Rahul Kumar was surfaced and they were arrayed as accused. Resultantly, they were arrested on 25.07.2023 and 02.08.2023, respectively. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Judge-Additional Sessions Judge, Rohtak praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide order dated 08.05.2025 and 17.10.2025, respectively. Hence, the petitioners have approached this Court praying for grant of regular bail by way of filing the present petitions.

3. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is submitted that admittedly the case of the prosecution is based on the circumstantial evidence and there is no reliable evidence produced by the prosecution against them. The deceased himself was having a criminal background, who was facing prosecution in multiple cases. It is submitted that the petitioners have been named as accused only on the basis of presumptions and assumptions. It is submitted that the petitioners are behind



the bars from the last 2½ years, however, there is no material progress in the trial. They submit that though the petitioners have faced prosecution in other cases, however, they are on bail in the same. They have, thus, submitted that in the overall facts and circumstances, the petitioners deserve to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the parties. It is submitted that in all there are seven accused, out of them only one co-accused Vikas Pandey, who is juvenile, has been granted bail and rest all of the accused are behind the bars. He submits that co-accused Naveen was arrested in some other case, wherein he made disclosure statement about the present case regarding his complicity alongwith the petitioners in eliminating the deceased. He submits that complicity of the petitioners were duly surfaced during investigation. On instructions from SI Rajinder Kumar, he submits that out of 40 prosecution witnesses, 04 witness have been examined. On instructions, he also submits that the deceased was facing prosecution in 6-7 other cases. He has placed on record the custody certificates of the petitioners.

5. After hearing counsel for the parties and perusing the record, it is deciphered that case of the prosecution is based on the circumstantial evidence. The petitioners have been named in the disclosure statements of co-accused Naveen. The deceased, as submitted before this Court was facing prosecution in 6-7 other cases. The custody certificate of petitioner Amit @ Nitu would show that he has suffered incarceration of 02 years, 05 months & 28 days as on 27.01.2026, though he is involved in two more cases, however, he has undergone the sentence in one case. The custody certificate



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of petitioner Rahul Kumar would show that he has suffered incarceration of 02 years, 05 months & 24 days as on 28.01.2026 and he is involved in one more case, however, he is on bail in the same. Out of total 40 prosecution witness 04 witnesses have been examined.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

7. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case petitioner Amit @ Nitu does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.01.2026

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No