



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

140

CRM-M-31501-2025

Date of Decision: 23.02.2026

SURAJ @ GOLU @ DHOLU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

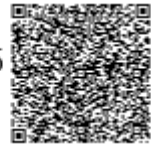
Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’) by the petitioner for grant of regular bail in case arising out of 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’) (Section 191(2) deleted later on), at Police Station HTM, Hisar.

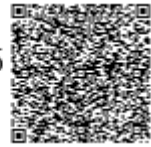
2. The aforementioned FIR was registered on the basis of the statement made by the complainant-Ramniwas alleging therein that his son Surender was employed in a barber shop. In the afternoon of 09.12.2024, he had come home to have his lunch and left at about 1:30–2:00 P.M., but he did not return home 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 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 Sahil @ Bacchi, Monu Bihari, Rohit, Mohit, 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 accused Mohit, Ajay @ Kalu and the petitioner, namely 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 got recovered the motorbike used at the time of occurrence, whereas accused Mohit disclosed that the cell phone of the deceased had been thrown by him on the way to his village. Offence under Section 238 of BNS was added. Accused Mohit also got recovered one trouser, whereas the petitioner got recovered the jeans worn by him at the time of occurrence. Investigation now stands completed.

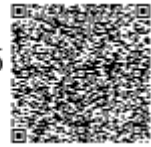
4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case. There is no direct evidence or eye-witness to the occurrence. He was not named in the FIR by the complainant and has been implicated later on. The disclosure statements suffered by him and the co-accused cannot be considered to be admissible in evidence. False recoveries have been planted upon him. The case is based on circumstantial evidence and no circumstance forming any chain with the subject offences has been collected during the course of investigation to



connect the petitioner with the murder of the victim, which is a blind murder. He is in custody since long. The trial is likely to take considerable time to conclude as only 2 out of 24 witnesses have been examined so far. The petitioner has clean antecedents. No useful purpose would be served by keeping him in custody anymore. No motive has been attributed to him. PW-4 Kuldeep, who is a witness to the alleged recovery of the motorbike, has turned hostile. The testimony of PW-3 Constable Shashi Kumar with regard to recovery is also inconsistent with the prosecution version. His further incarceration is not going to serve any useful purpose. It is, therefore, argued that the petitioner deserves to be released on bail.

5. This Court has heard the rival submissions made by both the parties.

6. As per the allegations, the victim Surender had left his house on 09.12.2024 and his dead body was found in the next morning. The complainant-Ramniwas-father of the victim, had taken the names of some persons as suspects, but the petitioner was not named therein. As per the status report, he was apprehended along with co-accused Mohit and Ajay @ Kalu on 11.12.2024. However, the status report does not specify as to how and on what basis, the petitioner was nominated as an accused in the present case. It is a matter of trial and only upon thorough assessment of the evidence to be led during trial that any definite conclusion can be drawn as to the veracity and admissibility of the disclosure statement suffered by the petitioner. The case is based on circumstantial evidence. Apart from the disclosure statement allegedly suffered by the petitioner, the other incriminating circumstances put forth by the prosecution are the recovery of



one pair of jeans and the motorbike allegedly used at the time of occurrence, at his instance. Learned counsel for the petitioner has placed on record photocopies of the testimonies of PW-4 Kuldeep, an independent witness to the recovery of the motorbike and PW-3 Constable Shashi Kumar, also a witness to the recovery. PW-4 is stated to have turned hostile and has resiled from his earlier statement recorded before the police, whereas PW-3 Constable Shashi Kumar is stated to have deposed that one blood-stained cloth and a bike were recovered at the instance of the petitioner but his statement with regard to the place of recovery appears to be inconsistent. The petitioner is in custody since 09.12.2024 and the trial is likely to take considerable time to conclude as only 2 out of 24 prosecution witnesses have been examined so far.

7. Taking into consideration the circumstances discussed above, particularly the fact that the petitioner was not named in the FIR and there is no material on record to show as to how he was nominated as an accused; that the admissibility and evidentiary value of his disclosure statement would be subject to proof during trial; that no motive has been attributed to him and that there is no eye-witness to the occurrence and the attendant facts and circumstances, this Court is of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

8. 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.

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

(MANISHA BATRA)
JUDGE

February 23, 2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No