

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.31856 of 2025
Date of Decision: 04.02.2026

Lal Prabhakar alias Raja

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON’BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Kuldeep Singh Siwach, Advocate for
 Mr. M.S. Tewatia, Advocate for the petitioner.

 Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Lal Prabhakar @ Raja	140	01.10.2022	302 and 201 read with Section 34 of IPC, 1860	GRP Faridabad	GRP, Ambala

2. As per allegations in the FIR, a dead body of an unidentified person lying at KM 1516/16 in JNC-TKD, whose hands were tied with rope and mouth stuffed with cloth, was noticed lying with boundary wall at western side of the railway line, Faridabad. After conducting the proceedings under Section 174 Cr.P.C, investigation was started and during



investigation, it was found that one FIR No.158 dated 04.10.2022 under Section 346 IPC stands registered at Police Station, DLF Phase-II, Gurugram at the instance of Manoj, who later-on, identified the dead body as of his brother Mahipal and then, got recorded his statement that his brother Mahipal has been murdered by accused Ritu, Lal Prabhakar @ Raja (petitioner herein) and one Indersain.

During further investigation, accused Ritu was arrested on 19.10.2022 and as per her disclosure statement, she firstly demarcated the place of occurrence, where the murder was committed along with other co-accused. On 20.10.2022, co-accused Indersain was also arrested and in his disclosure statement, he stated that accused Lal Prabhakar @ Raja, who is related with him as maternal uncle and Ritu have murdered Mahipal. He further disclosed that the petitioner had solemnized marriage with Ritu about 10-11 years back. After 5-6 years, Ritu had solemnized marriage with deceased Mahipal. Therefore, petitioner started having grudge with deceased Mahipal and thus, on 30.09.2022, Ritu called Mahipal to her rented house for establishing physical relations. As per plan, all of them in connivance with each other, murdered Mahipal.

As per the said disclosure statement, role attributed to the present petitioner was of giving a knife blow on the face and then to slit his throat with that knife, then dead body was taken on motorcycle and the same was thrown near the railway line by accused Indersain and Lal Prabhakar @ Raja (petitioner herein). Thus, learned counsel for the petitioner argues that except of disclosure statement and collection of false



recoveries, there is no other substantive evidence available with the prosecution. The case is based upon circumstantial evidence and the burden to prove charges is heavily upon the prosecution to prove the same beyond doubt against the petitioner and other co-accused. Additionally, learned counsel argues that the petitioner is inside the jail for the last more than a period of 03 years and 03 months (since 30.10.2022) and only 02 of the prosecution witnesses have been examined till date out of total 28. Thus, he prays for grant of bail to the petitioner.

3. On the other hand, learned Senior Deputy Advocate General, Haryana argues that there is ample evidence available on record against the petitioner. Referring to paragraph No.7 of the status report, learned Sr. D.A.G. argues that as per the location/CDR of the petitioner and mobile phone location of the deceased, all the three accused persons were found present at one place on the day of incident and this is enough to conclude that with all probability, the named accused in the case including the petitioner are the actual culprits for causing murder of Mahipal. Thus, he prays for dismissal of the present petition.

4. I have heard the respective counsels and gone through the record including the status report.

5. It is undisputed that the petitioner is inside jail for the last more than 03 years and 03 months. Only 02 of the prosecution witnesses have been examined out of the total 28. The case is based upon circumstantial evidence and it is heavily upon the prosecution to prove the chain of events without missing even a single one. Since no eye-witness



account is there, it would not be fair to allege that petitioner is in a position to influence the witnesses or evidence. Whether the mobile phone locations of the deceased and the petitioner being at the same place on a particular day constitute sufficient evidence is a matter to be determined by the trial Court which, of course, would be done after having complete set of evidence before it.

6. In the totality of the circumstances, this Court deems it appropriate to grant benefit of regular bail to the petitioner. Accordingly, prayer made in the present petition is **allowed**. The petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the trial Court is expected to decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

10. Misc. application(s), if any, also stand disposed of.

February 04, 2026

Yag Dutt

**(SANJAY VASHISTH)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No