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

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**CRM-M No.37086 of 2025
Date of Decision: 05.03.2026**

Gourav Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Choudhary, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.288 dated 10.06.2020 registered under Sections 302, 458, 460, 201 read with Section 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Mahesh Nagar, Ambala, District Ambala, Haryana. The previous petition as filed by him, has been dismissed as withdrawn.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Gaurav Arora alleging that on the night of 09.06.2020, he had slept in his house situated in Moti Bagh. His

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father had gone to sleep in their another house situated at Vashisht Nagar. At about 3 AM, his father called him on his cell phone and informed that three youths after entering into his house had assaulted him with some sharp object and had also tried to strangle him. On hearing so, the complainant rushed towards the house wherein his father had slept and on reaching there found him to be lying covered in blood in an injured condition. He was firstly taken to Civil Hospital, Ambala and then to General Hospital, Sector 32, Chandigarh. He had sustained 6-7 injuries on his abdomen and was in critical condition. His surgery was performed. By alleging that some unknown persons had caused injuries to his father, he prayed for taking action.

3. After registration of FIR, investigation proceedings were initiated. The victim succumbed to the injuries during the course of investigation and died on 24.06.2020. Postmortem examination of dead body and inquest proceedings were conducted. During the course of investigation, CCTV footage of the camera installed in the site of occurrence had been procured and the assailants were seen therein. The accused Dheeraj who was in custody in some other case suffered a disclosure statement to the effect that he along with the present petitioner and co-accused Vijay Kumar had assaulted the victim while committing offence of robbery/dacoity. He was joined into investigation of this case and suffered disclosure statement. In pursuance of the same, he got recovered some stolen mobile phones/data cables, pen drives, memory cards, sandisk, blue tooth and Aadhar Card of

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the deceased and cash amount of Rs.1650/-. The petitioner and co-accused were arrested on 29.07.2020. The petitioner got recovered one mobile used at the time of occurrence and also some of the stolen articles. The co-accused Vijay also recovered some stolen articles and some amount of money. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. After the dismissal of his previous petition, the trial has not progressed much as only 13 out of 26 prosecution witnesses have been examined so far. He has been in custody for a period of more than 05 years and 07 months. The prolonged incarceration of the petitioner militates against his fundamental right of personal liberty as enshrined in the Constitution of India. The ingredients for commission of offence of murder are not attracted against him. A false recovery has been planted upon him. There is no eye witness to the occurrence and the entire case is based on hearsay. There is no incriminating circumstance to connect him with the subject crime. The CCTV footage relied upon by the prosecution cannot be considered to be legally admissible in evidence. The co-accused have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned Deputy Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner.

Though he was not named in the FIR but he was captured in the CCTV

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footage of the camera installed outside the house of the victim and has been clearly seen therein. The weapon of offence has been recovered from him. Scientific evidence collected during investigation is sufficient to connect him with the commission of the subject offences. The material witnesses have already been examined. It is, thus, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have entered into the house of the victim as on the intervening night of 09/10.06.2020 and is alleged to have assaulted the victim with knife and to have stolen/looted mobile phones, pen drives, memory cards and bluetooths etc. from his house. He is clearly seen in the CCTV camera footage. Only 13 out of 26 witnesses stand examined by now. The antecedents of the petitioner are also not clean. The co-accused Vijay and Dheeraj have been extended benefit of bail. However, there is no material on record to suggest that they were also seen in the CCTV footage. So far as the extended/prolonged period of incarceration is concerned, the well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Taking into



consideration the nature of the allegations levelled against the petitioner, the part played by him, this Court is of the considered opinion that merely on account of his extended custody, the petitioner does not deserve to be given benefit of regular bail. Accordingly, the petition is dismissed.

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

05.03.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No