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

CRM-M No.40027 of 2025

Date of Decision: 24.02.2026

Abhishek @ Harshit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surender Saini, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.619, dated 15.10.2022, under Section 363 IPC, 1860 (Sections 364-A, 302, 34, 201 IPC added later on), registered at Police Station Palla, District Faridabad.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Biresh, son of Dukhe Mahto. It was alleged that the complainant was working as scrap collector and he had two children. It was alleged that his younger son was studying in 9th class in Manav Sarkar School, Dheeraj Nagar. On 14.10.2022, at around 07:30 P.M., his younger son, Abhishek Kumar had gone to give his book to his friend Raja and did not return back home. They searched for him but all their efforts went in vain. The request was made to



search for his missing son and to take legal action against the accused and, thus, FIR under Section 363 IPC was registered. Thereafter, the complainant again moved a complaint on the same day, i.e. 14.10.2022, by stating that his wife told him that at about 7-8 P.M., his son got a telephonic call from his friend, namely, Raja, and thereafter, Abhishek after informing his mother went to meet Raja in gali No.3. At about 11:00 P.M., the complainant got a call on his mobile phone demanding a ransom of Rs.5 lacs in lieu of life of Abhishek. The complainant was under apprehension that his son, namely, Abhishek, was kidnapped and on account of the same, section 364-A IPC was added. On registration of the FIR, the investigation commenced. During his investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 15.10.2022 and disclosed that he along with co-accused, sanjeev @ Sonu and Mithlesh had kidnapped Abhishek for ransom and later on murdered him and threw his body in a water tank in basement of building. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Faridabad dismissed the bail application filed by the petitioner vide order dated 20.12.2023. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-5481-2024 and CRM-M-30592-2024, however, the same were dismissed as not pressed vide orders dated 07.02.2024 and 05.07.2024, respectively. Hence being aggrieved, the



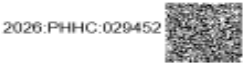
petitioner is again before this Court praying for grant of regular bail by way of filing the present third petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the present case is based upon the circumstantial evidence. He has submitted that the petitioner has been named in the present FIR on the basis of supplementary statement of the complainant and except this, there is no cogent evidence against the petitioner. He has submitted that the incriminating evidence against the petitioner is the alleged recovery of dead body at the instance of the petitioner and other co-accused, namely, Sanjeev @ Sonu. He has submitted that the complainant himself in his testimony has argued that there are major contradictions in his testimony with regard to discovery of dead body which create dent in the prosecution story. He has further submitted that the complainant himself in his cross-examination has admitted that the petitioner was present with him outside the police station on 14.10.2022 at 11:00 P.M. He has submitted that in the present case, the investigation is complete, challan has been presented and the charges have already been framed. He has submitted that the petitioner is behind bars since 15.10.2022, however, there is no material progress in the trial as only 05 witnesses have been examined till date out of total 25 prosecution witnesses. He has further submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the



submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner has been prima facie established during the investigation. He has submitted that there are serious allegations against the petitioner. He has submitted that the petitioner has actively participated in the commission of offence as dead body was recovered at his instance. He has submitted that in all there are 03 accused in the present case and all are behind bars. He has further submitted that this is the third petition filed by the petitioner praying for the grant of regular bail and when this Hon'ble Court was not inclined to grant him bail, both the petitions earlier filed by him were dismissed as not pressed vide orders dated 07.02.2024 and 05.07.2024, respectively. He has further submitted that the petitioner in his disclosure statement has confessed that he had kidnapped the missing child along with Sanjeev @ Sonu and Mithlesh and killed him to destroy the evidence so that the police cannot arrest them. He has submitted that the petitioner and co-accused got demarcated the place of occurrence and got recovered the dead body of the deceased, Abhishek and thus, Sections 302 and 34 IPC were added in this case on 16.10.2022. He has submitted that car of the petitioner, i.e. Chota Hathi bearing registration No.HR-38-AC-5196 and the mobile phone used in the commission of offence including the mobile phone of deceased were recovered from the possession of the petitioner. He has submitted that the investigation is complete, challan has been presented and the charges have already been framed. He, on instructions, has submitted that out of total 25 prosecution witnesses, 05 witnesses have been examined till date. He has produced custody certificate of the petitioner today in the Court, which is taken on record.



5. Heard.
6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 15.10.2022. There are specific allegations against the petitioner that he along with the co-accused had kidnapped the son of the complainant for want of ransom and later on due to fear of police, they murdered him and threw his dead body in a water tank. Dead body of the deceased was recovered at the instance of the petitioner and other co-accused. The allegations against the petitioner are serious in nature, which resulted into death of an innocent child, who was only 14 years of age. Out of total 25 prosecution witnesses, only 05 witnesses have been examined so far. Earlier two petitions filed by the petitioner were dismissed as this Court was not inclined to grant him bail.
7. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail at this stage. Hence, the present petition stands dismissed.
8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.02.2026

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)

JUDGE