



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
313
CRM-M-40518-2025 (O&M)
Decided on : 11.02.2026
NEERAJ
.....Petitioner
Versus
STATE OF HARYANA AND ANOTHER
.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. S.S. Narula, Senior Advocate, with
Mr. Inderjeet Sihag, Advocate,
for the petitioner.

Mr. Amish Sharma, AAG, Haryana.

Mr. Deepak Sabharwal, Advocate, and
Mr. Suryakant, Advocate,
for the complainant.

SANJAY VASHISTH, J.

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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Neeraj	58	25.04.2022	302, 34 of IPC and 3(2)(v) of SC/ST Act	Machhrauli	Jhajjar

2. Initially, present matter was instituted as a criminal appeal bearing No.CRA-S-351-2024. However, during the course of



proceedings, counsel for the petitioner raised an argument that petitioner was below 18 years of age at the time of the alleged incident. However, in the appellate proceedings under the Juvenile Justice Act before the Court of Sessions, petitioner was held to be more than 19 years of age, being his date of birth as 29.07.2002, whereas the alleged incident occurred on 25.04.2022. Consequently, the present matter was ordered to be converted into an ordinary miscellaneous bail petition, i.e., CRM-M-40518-2025.

3. Today, during the course of hearing, it has further been noticed—though not pointed out by learned counsel for the respective parties—that petitioner has also sought bail under the provisions of the SC/ST Act. An order passed by the Court of Sessions under the said Act is appealable before this Court. However, this Court does not find it necessary to once again treat the present petition as an appeal merely for technical reasons.

Moreover, while considering the prayer for bail, this Court is required to examine the material collected during investigation, including the contents of the final report, after hearing learned counsel for the complainant, who is duly represented before this Court. Therefore, the order dated 19.05.2025, whereby the present case was directed to be re-registered under the category of a petition under Section 483 of the BNSS, does not require its recalling.

4. Occurrence in the present case took place on 25.04.2022 at about 4:30 A.M., and FIR was registered on the same day, i.e.



25.04.2022, at the instance of the complainant, Dinesh son of Sumer Singh (who is the deceased in the present case).

Initially, complainant has alleged that on 19.06.2020, father-in-law of the complainant's brother Naveen, namely Vijay; Naveen's brothers-in-law Mohit and Sivan; and Naveen's mother-in-law Asha had assaulted the complainant's father Sumer Singh and his brother Naveen, which led to the registration of a criminal case against the said assailants at Police Station Civil Lines, Rohtak. Complainant further alleged that his father Sumer Singh was a witness in the said case and his statement was yet to be recorded in the near future. On this basis, the initial investigation proceeded on the basis of suspicion of the involvement of in-laws of the complainant's brother.

5. Subsequently, as per the prosecution case, on the basis of secret information received by the Investigating Officer, petitioner, namely Neeraj, was arrested and interrogated. Prosecution primarily relies upon the fact that petitioner was arrested on 28.04.2022 and, on the following day i.e. 29.04.2022, allegedly recovery of an ice-pick (*sua*), along with the clothes and shoes, which he was purportedly wearing at the time of the incident, was effected. These articles were sent to the Forensic Science Laboratory (FSL). As per the serological report, although human blood was detected on the recovered articles, the blood group was found to be inconclusive.

6. Prosecution further relies upon the DNA report, wherein it is recorded that DNA profile obtained from Item Nos. 6A ('Parna'), 6B ('white kurta'), 6C ('Baniyan'), and 6D ('Pyjama') matched with the



DNA profile obtained from Item No.7 ('sua') and Item No. 8A ('woollen inner'). Item Nos. 6A to 6D were the clothes worn by the deceased, whereas Item No.7 (*sua*) and Item No. 8A (woollen inner) were allegedly recovered at the instance of the petitioner on 29.04.2022.

7. Learned Senior counsel for the petitioner submits that the chain of circumstances is incomplete and that the case rests entirely on circumstantial evidence. It is argued that prosecution has failed to place sufficient material on record to establish the petitioner's direct involvement in the alleged murder.

8. Firstly, learned Senior Counsel for the petitioner refers to the recovery memo dated 29.04.2022, through which the ice-pick, clothes and shoes allegedly worn by the petitioner were recovered. He submits that the memo does not record that any of the recovered articles were found to be blood-stained.

It is further pointed out that while, the T-shirt is described as black in the recovery memo, but the FSL report describes it as dark grey.

9. It is also contended that no independent witness from the village or locality was joined at the time of recovery. Further, no specific motive is attributed to the petitioner, except for a statement allegedly made in his disclosure statement that the deceased had objected to the petitioner playing loud music.

10. On the other hand, learned State counsel as well as counsel for the complainant, while opposing the prayer and submissions advanced by learned Senior Counsel for the petitioner, submit that although, FIR does not mention the petitioner, nor raise any suspicion



regarding his involvement, yet, the DNA report assumes significance. It is contended that the DNA profile of the blood detected on the articles allegedly recovered at the instance of the petitioner matches with that of the deceased, which is a material circumstance and cannot be ignored.

It is further argued that since, petitioner is found to be major, he does not deserve any leniency. However, learned counsel for the respondents are unable to point out any other substantive evidence collected during the course of investigation to establish the petitioner's involvement from any other angle. Nonetheless, they jointly pray for dismissal of the present petition.

11. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available before it.

12. Broadly, the prosecution relies upon circumstantial evidence, particularly the recovery allegedly effected at the instance of the petitioner and DNA report. Since the issues raised before this Court are yet to be adjudicated by the trial Court upon appreciation of the entire evidence to be led by the parties, this Court neither proposes nor deems it appropriate to comment upon the nature and evidentiary value of the material collected during investigation, at this stage.

All the aspects highlighted by learned Senior Counsel for the petitioner, as well as by learned State counsel and counsel for the complainant, are matters to be finally determined by the trial Court.

13. Moreover, in case, guilt of the petitioner is established, he shall be dealt with, strictly in accordance with law. However, at present, petitioner has undergone incarceration for a period of approximately



three years and ten months, and out of total 18 prosecution witnesses, only 11 have been examined till date, and 3 have been given up. It appears that culmination of trial may take some more time. Therefore, petitioner cannot be detained for an indefinite period inside jail.

14. In view of the totality of the circumstances, nature of allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. 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.

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

16. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

17. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.02.2026

Lavisha

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**