



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

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CRM-M-45715-2025(O&M)

Date of decision: 16.03.2026

Rahul @ Deepak

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ashish Naik, Advocate for the petitioner.

Mr. Paras Talwar, Sr. DAG, Haryana with
ASI Tarun, P.S. Pataudi, Gurugram (through V.C.).

Mr. Ashok Jindal, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

The instant first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.191 dated 23.05.2021 registered under Sections 308, 34 (Section 308, 34 were deleted and Sections 307, 302, 379, 201, 204, 120-B were added later on) of the Indian Penal Code, 1860 at Police Station Pataudi District Gurugram.

2. The FIR in the present case is registered on the statement of Santosh Devi, wife of Jeetpal Singh, resident of Village Nanu Kalan, Police Station Pataudi, District Gurugram. The same reads thus:

“...I, Santosh Devi W/O Jeetpal Singh am resident of Village Nanu Kalan Police Station Pataudi District Gurgaon. I do domestic work and I have 2 sons and 2 daughters. Both my daughters are elder and both are married and younger to both of them is my son Rahul who is married and has a 7 months old son. He drives his own taxi and left from home at about 6:00 AM on 15.05.2021 by saying that I am going to purchase tractor trolley.

After this I contacted my son Rahul at about 12:30 PM (day) to ask about where he is returning, to which he replied that he was with Ghanti @ Dharmender S/O Satish, Harvinder @ Harkesh S/O Chitarpal and Rahul @ Deepak S/O Shiv Kumar @ Sonarain and will come home in one hour and also made me talk to Ghanti. After this I made many calls to my son Rahul but found the phone of my son switched off and that my son did not come home till evening. Then, I searched for my son with my family members all night and he was not found anywhere. After this we came to police station on 16.05.21 to give information about missing of my son, then we came to know that Rahul was lying unconscious in an empty field behind the wall behind Ratra Farm House on Kapdiwas Road. That on receiving the information, we reached the spot and took and admitted my son Rahul in Aditya PTO Hospital for treatment where he is undergoing treatment. That when I saw the condition of my son, there were blue marks on his neck which seemed as if these above mentioned three boys had beaten and strangled him. Due to which my son Rahul is still in an unconscious state. Legal action be taken against these three. That till now we have been getting the information on our own. That these above mentioned three boys have committed this incident upon my son. Legal action be taken against these three.”

4. Learned counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 28.05.2021 and only 23 witnesses out of 38 witnesses have been examined so far. There are thus 15 witnesses yet to be examined despite actual custody of nearly 04 years and 10 months. He further

contends that the present case is based solely on circumstantial evidence and on the statement of the complainant to the effect that during her telephonic conversation with her deceased son-Rahul, who had informed her that he was with the petitioner and the other co-accused. He contends that apart from the above bald statement, the only recovery which has allegedly been effected from the petitioner is one screen of the mobile phone of the deceased (which is stated to have been broken and thrown away by the accused persons). He further contends that the other evidence relied upon by the respondents for establishing the case against the petitioner is some CCTV footage, which was exhibited as P-14, however, when the Investigating Officer i.e. PW-3 Ashwani Kumar appeared as a prosecution witness, the said pendrive Exh.P14 did not play. He also contends that the allegation against the petitioner of having used the mobile of the deceased for making of UPI payment has not been established through any cogent evidence. He also submits that the petitioner has clean antecedents and that except for one case under Section 304-A IPC, he has never been involved in any other case.

4. Learned State Counsel as well as counsel for the complainant contend that the petitioner has participated in the commission of the offence. The petitioner, in conspiracy with the other co-accused, first got the victim-deceased intoxicated and thereafter assaulted and strangled him with the aid of a towel and left him in the fields assuming him to be dead. It is further alleged that the petitioner had taken the mobile phone of the deceased and fled from the place of occurrence. Subsequently, a withdrawal of approximately Rs.9,600/- was made at a petrol pump and that a CCTV footage from the same was also obtained. Counsel for the respondents/State as well as complainant are not in a position to dispute that as per the order dated 28.09.2023 passed by the

Additional Sessions Judge, Gurugram, the said pendrive Exh.P14 containing the CCTV footage did not play during the examination-in-chief of PW-3 Ashwani Kumar.

5. A further question was put to the counsel for the respondents as to in whose's account the UPI payment was made to the extent of Rs.9,600/- and approximately Rs.9,000/- had been received, counsel are not in a position to answer the same. They however do not dispute that the only recovery that has been effected from the petitioner is the screen of a broken mobile phone stated to be belonging to deceased-Rahul.

6. A further question is also put to counsel for the respondents as to how and on what basis the screen recovered from the petitioner has been conclusively determined to be that of the phone of the deceased-Rahul. They are not in a position to respond to the same. The period of custody which is nearly 04 years and 10 months is also not disputed.

7. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

8. Without commenting on the merits of the case and taking into consideration the period of custody already undergone by the petitioner i.e. nearly 04 years and 10 months, the stage of trial where 15 witnesses are still to be examined by the prosecution, the nature of recovery from the petitioner as well as arguable issues about participation of the petitioner, I deem it appropriate to allow the present petition.

9. The instant petition is accordingly *allowed* and the petitioner is ordered to be released on regular bail on his furnishing requisite bail

bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

12. Pending application(s), if any, shall stand disposed of.

16.03.2026

Sumit Gusain

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)

JUDGE