

2026.PHHC.023994



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47809-2025

Yashbir @Jasbir @ Shastri

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	13.02.2026
2	The date when the judgment is pronounced	17.02.2026
3	The date when the judgment is uploaded on the website	17.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prashant Lather, Advocate for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 126 dated 04.03.2023 registered under Sections 201, 302 and 34 of IPC (Section 364 of IPC added later on) at Police Station Kharkhoda, District Sonipat, Haryana.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant alleging therein that on 27.02.2023, accused Rahul s/o Sham Lal had borrowed the motorbike of her son Rahul.

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On the same day at about 3-4 PM, Rahul s/o Sham Lal made a phone call to her son Rahul asking him to take back his motor bike from the shop of Parmod and then her son had left home for taking his bike. When her son reached at the shop of Parmod, the present petitioner along with Parveen and Rahul s/o Sham Lal were present there with a Civic vehicle and they along with her son had left for some place. This was seen by her relative Vikas. Her son did not return home. Call was made to accused Rahul S/o Sham Lal at about 7:30 PM and he assured that her son would be back in some time. However, thereafter, he switched off his mobile phone. In the next morning, they received intimation that the phone of her son was lying near Bindroli canal and someone had picked it. On making inquiries, it was revealed that even the petitioner and Parveen had not reached back to their home on the previous night. She further alleged that while making search for her son, she received information on 03.03.2023 that his dead body was flowing in the canal of Haiderpur, Delhi.

3. As per the further allegations, dead body of the victim was recovered. Inquest proceedings and post mortem examination of the dead body were conducted. The petitioner along with the co-accused was nominated as accused. The petitioner and accused Parveen were arrested on 06.03.2023. They suffered disclosure statements admitting their involvement in the crime. The petitioner disclosed that he had a fight with the victim about one year back and was holding a grudge against him. Accused Parveen also wanted to take revenge from the victim on account of some quarrel that had

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taken place previously. Both of them had hatched a conspiracy, in pursuance of which, the petitioner along with the co-accused Rahul and Parveen had taken the victim along with them, strangled him with a cloth and had killed him, concealed his dead body in the trunk of Honda Civic make car of accused Parveen and had then thrown his motorbike as well as dead body in the canal. Accused Rahul was arrested subsequently. He too suffered disclosure statement admitting his involvement in the crime and demarcated the place of occurrence as well as the place where the dead body of the victim and his motorbike had been thrown. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was implicated on the basis of statement of Vikas, cousin of the victim, who was an interested witness and who had allegedly lastly seen the victim along with him and the accused. There is no eye-witness to the murder of the victim. The case is based on circumstantial evidence. No incriminating circumstance has been collected. There is delay of more than six days in lodging of the FIR. The disclosure statements allegedly suffered by him and the co-accused cannot be considered to be admissible in evidence. The complainant and PW-2 Rohit, brother of the victim already stand examined. There are no chances of intimidating witnesses by the petitioner. The statements of both these witnesses are highly inconsistent and show that the petitioner had no motive to kill the victim. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. Therefore, it is stressed that the

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petition deserves to be allowed.

5. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. He has criminal antecedents as he is involved in other cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner in connivance with the co-accused is alleged to have called the victim outside his house on the premise of taking his motorbike back from the co-accused Rahul. The victim was taken by them to some other place wherein he was strangulated and killed by the petitioner and the co-accused. His dead body was later on recovered from the canal. He was lastly seen by Vikas who has already been examined as PW-4. Copy of his sworn deposition is placed on record. He is shown to have supported the prosecution version with regard to seeing the victim along with the petitioner and the co-accused on 27.02.2023. As many as 15 out of 27 prosecution witnesses have been examined. It cannot be stated that there would be any undue delay in conclusion of the trial. The antecedents of the petitioner are not clean. He is shown to have been convicted in a murder case and some other cases were also registered against him. The victim was murdered in a brutal manner. The allegations against the petitioner are quite serious. The

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present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration, are not sufficient grounds 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)*. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not there in this case. As such, this Court finds no compelling ground to allow the petition. Accordingly, the same is dismissed.

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

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |