



CRM-M-52273-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 19.03.2026

Rajesh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Deepak Kundu, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG Haryana

SANJAY VASHISTH, J. (Oral)

1. The instant second 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
Rajesh, aged 25 years	504	07.12.2022	302, 34 IPC (Section 377 added later on)	Meham	Rohtak

2. The first bail petition i.e. CRM-M-18397-2024 was dismissed as withdrawn by Coordinate Bench of this Court on 15.10.2024 (Annexure P-6).

3. Case of the prosecution in brief is as under:

“The present case is based upon the complaint of Rajesh son of Baljeet Singh. He moved the complaint in the name of SHO, P.S. Meham claiming that they were three brothers and one sister. The



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eldest one is Rajesh, thereafter Anil and thereafter Sunil. The youngest one is his sister Kamlesh. His brother Sunil was staying with him and Anil was residing separately. Anil was married, who was having one son and one daughter. On 6.12.2022, in the evening time at about 8.00/9.00 p.m. his brother Anil had gone at the birthday party of Pardeep son of Chattar Singh. He came to know that party was attended by Bholu son of Tek Ram, Same son of Ranbir and Rajesh son of Molar. In the morning, he came to know that Cadaver of his brother Anil was lying in the bushes near Balmiki Temple. They rushed at the spot and thereafter raised the suspicion that Bholu son of Tek Ram, Same son of Ranbir and Rajesh son of Molar have caused the murder of his brother. A case under Section 302, 34 of IPC was registered against the accused and lateron during investigation after confirming by the police Sections 377 and 201 IPC also invoked in this case.”

4. During investigation, suspicion was raised by the complainant-Rajesh (brother of deceased Anil) and consequently, the names of three persons were introduced as accused in the case i.e. (i) Bholu (ii) Shame (iii) Rajesh s/o Molad. Further, case of the prosecution is built up primarily on the basis of disclosure statements given by the respective accused.

5. Learned counsel for the petitioner argues that except of raising doubts about petitioner's involvement due to altercation having taken place on 06.12.2022 at birthday party of Pardeep son of Chattar Singh and the subsequent recording of disclosure statements from the arrested co-accused, no other substantive evidence was collected during investigation. Further more, it is argued that no charge under Section 377 IPC could be framed against the petitioner, as the allegations suggest use of a wooden stick/danda, which was inserted in the anus of the deceased-Anil.



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There being no such evidence against the petitioner and relying upon the aspect that out of total 35 prosecution witnesses only 9 have been examined and 26 are yet to be examined. Petitioner is inside jail since 14.12.2022 i.e. for the last more than a period of 03 years, 03 months and case depends upon circumstantial evidence only.

6. Learned State counsel, opposed the prayer and submissions advanced by learned counsel for the petitioner, however, does not dispute the fact that the petitioner is inside jail since 14.12.2022.

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

8. Undoubtedly, charges are required to be proved beyond doubt. Petitioner who is of the age of 25 years was never found involved in other case of similar nature, this Court does not find any substantial reason to continue the petitioners in detention any longer.

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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.



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12. Petition stands disposed of.

 Pending misc. application(s), if any, also stand disposed of.

March 19, 2026

(SANJAY VASHISTH)
JUDGE

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No