



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-52907-2025 (O&M)

Ombir

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	03.02.2026
2	The date when the judgment is pronounced	06.02.2026
3	The date when the judgment is uploaded on the website	06.02.2026
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:- Ms. Neeru Bansal, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 91 dated 02.03.2023, registered under Sections 302, 201 and 34 of IPC (Section 201 of IPC added later on) at Police Station Sadar Sonipat, District Sonipat.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 02.03.2023, on receipt of information regarding death of one Pradeep in some altercation and his dead body having been brought in Civil Hospital, Sonipat, a police party headed by ASI Ashok Kumar reached there, wherein complainant Suresh Kumar, father of victim Pradeep, submitted a written complaint alleging that on the same day at about

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08:00 AM, his cousin brother Ombir (*petitioner herein*) had taken the victim along with him on his motorbike. At about 12:00 PM, his brother received a call from Ombir and then they had rushed towards the informed place and found that the victim was lying in a critically injured condition. He was brought to the hospital but had died. While alleging that Ombir and his accomplices had murdered the victim, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. The petitioner and co-accused Ashish were apprehended on 02.03.2023. The petitioner suffered disclosure statement admitting his involvement in the crime and disclosed that the victim had been making indecent talks with his sister-in-law (*Bhabhi*) from the past few months and despite trying to make him understand, he did not stop and feeling offended, he had hatched a conspiracy with co-accused Shubham and Ashish and had killed the victim. He demarcated the place of occurrence and got recovered the weapons of offence. Co-accused were nominated and arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The disclosure statement suffered by the petitioner cannot be considered to be legally admissible in evidence. A false recovery of weapon has been planted upon him. No bloodstains were found on the said weapon. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time. His further detention would not serve any useful purpose.

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Co-accused Shubham and Ashish have already been granted concession of regular bail by this Court. On parity, the petitioner too deserves to be given the same benefit. Hence, it is urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Learned State counsel has vehemently argued that the petitioner was duly named in the FIR and his involvement is clearly borne out from the material collected during investigation. The petitioner was last seen in the company of the deceased and had taken him on his motorcycle shortly before the occurrence. The death of the victim was homicidal in nature and was caused due to the impact of the injuries sustained by him. During investigation, the petitioner suffered a disclosure statement leading to the demarcation of the place of occurrence and recovery of the weapon of offence. The motive for commission of the crime also stands disclosed, showing a clear and intentional act. The offence alleged is grave and heinous, punishable under Section 302 IPC. Mere completion of investigation or grant of bail to co-accused does not entitle the petitioner to bail, as his role is distinct and more serious. The release of petitioner on bail, at this stage, may adversely affect the trial. Therefore, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. A perusal of the contents of the FIR reveals that the petitioner is specifically named in the FIR and, as per the prosecution version, was last seen in the company of the deceased, having taken him on his motorcycle shortly before the occurrence. The death of the victim has been opined to be homicidal and caused due to the injuries sustained in the incident. The investigation reveals that the petitioner suffered a disclosure statement leading

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to the demarcation of the place of occurrence and recovery of the alleged weapon of offence. The prosecution has also attributed a clear motive to the petitioner, which prima facie indicates his involvement in the commission of the offence. The contention regarding admissibility of the disclosure statement, veracity of recovery and nature of injuries are matters to be appreciated during trial and cannot be conclusively adjudicated in proceedings for bail. The offence alleged is grave and heinous, punishable under Section 302 IPC. The role attributed to the petitioner cannot be said to be at par with that of the co-accused who have been granted bail. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground 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)*. Keeping in view the gravity of the allegations, the part played by the petitioner, the evidence collected during investigation, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that no case is made out in favour of the petitioner for his release on bail, at this stage. Accordingly, the petition is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No