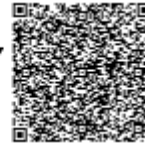


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:020447



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CRM-M-60102-2025 (O&M)

Date of decision:10.02.2026

Mohit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Makkar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking concession of regular bail in case bearing FIR No.360, dated 18.11.2023, registered under Sections 302 and 201 IPC (offence punishable under Sections 365, 120-B and 34 IPC were added lateron), at Police Station IMT Rohtak, District Rohtak.

2. The aforementioned FIR was registered on the basis of a complaint submitted by complainant – Rishi posted as Beldar in Rohtak Canal Department, alleging that on 18.11.2023, while getting the Sub Branch Canal, Rohtak cleaned with the help of a JCB machine, dead body of one unknown person had been recovered. After registration of the FIR,

investigation proceedings were initiated. On 20.11.2023, Vikram Pawar and Krishna Pawar reached at the concerned police station and identified the dead body to be that of their brother Sonu Pawar. He recorded his statement to the effect that deceased was working as a cab driver and used to drive vehicle bearing registration No.DL-1ZD-3991. On 16.11.2023, he had booked a ride through rapido app for Ismaila, Haryana and had left Delhi around 9:00 PM. His phone was found to be switched off from next morning and they were unable to contact him. He also disclosed that on checking the CCTV footage to Rohtak tollplaza and by following GPS tracking, he had found 03 other persons along with the victim in his vehicle. The call detail records of the mobile phone of the deceased and the record qua booking of vehicle, was obtained and it was found that the vehicle of victim was booked through a mobile number, which was registered in the name of accused Deepak S/o Jagbir Singh. He was arrested on 25.11.2023. He suffered a disclosure statement admitting his involvement in the crime and on the basis of his statement, the present petitioner and Shamsher @ Sheru were nominated as co-accused and were arrested on 25.11.2023. The petitioner also suffered disclosure statement to the effect that by hatching a conspiracy, they had booked the vehicle of the victim on 16.11.2023 with an intent to rob the victim of his vehicle. They had got him stopped on the way, had tied his limbs and had thrown him in the canal. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence.

He was not named in the FIR. There is no direct incriminating evidence to connect him with the crime. There is no eye witness to the murder of the victim and the entire case rests upon the circumstantial evidence, whereas no incriminating evidence against him has been collected and the only allegation is that he was seen in the CCTV footage of toll plaza. He had no role to play in the occurrence. He is in custody for a period of over 02 years. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned State counsel has argued that the allegations against the petitioner are serious in nature. The cell phone of the petitioner was recovered from the roof of the car of the victim. Driving license of the victim was also recovered at his instance. Trial is going at a proper pace and there is nothing to suggest that there would be any undue delay in conclusion of the same. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner by hatching a conspiracy with the co-accused, is alleged to have got the vehicle of the victim booked on 16.11.2023 and with an intent to rob him of his vehicle, is further alleged to have killed the victim by tying his limbs including his mouth and throwing him into the canal. The CCTV footage of the camera installed at the relevant toll plaza, shows his presence in the same vehicle along with the victim on the

fateful night. The circumstances are *prima facie* suggestive of complicity of the petitioner in commission of the subject offence. The allegations against the petitioner are serious in nature. It has been revealed that 07 prosecution witnesses have already been examined. The trial is going at a proper pace. It cannot be said that there would be any undue delay in conclusion of the trial. 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)***. Keeping in view the gravity of the allegations, the quantum of sentence for which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

(MANISHA BATRA)
JUDGE

10.02.2026

harjeet

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No