



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

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CRM-M No.60985 of 2025 (O&M)
Date of Decision: 08.01.2026

Rohit @ Dodi

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**Present:** Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Vikas Dhoulra, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 302, 201 and 34 of Indian Penal Code, the FIR No.63 dated 07.02.2022 has been lodged in Police Station Hathin, District Palwal. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stated the facts emerging from record are that the FIR of this case came into being at the instance of 'Rohit' son of 'Jagveer', i.e. the petitioner himself. According to prosecution it was reported by the petitioner that he was running a hotel at 'Kundli Manesar Expressway', and that they had employed 'Bhupendra' in their hotel. According to petitioner on 06.02.2022 he and his brother 'Sonu' were present and after finishing their day's work 'Sonu'



left hotel at about 9.00 P.M. As per complainant, at about 10.00-10.30 P.M. 'Ravi', 'Yogesh', 'Sumit', 'Vikko', 'Dodi' and 5-6 other persons came to their hotel and threatened to teach them a lesson. According to petitioner, their employee 'Bhupendra' had suddenly left hotel, and, therefore, he called his brother 'Sonu' and asked him to search, 'Bhupendra', but he could not. As per complainant, thereafter he instructed his brother 'Sonu' to go home, and that in the morning he told that the dead body of his brother was lying near Peer Baba.

3. It is the case of the prosecution that on the basis of the above mentioned information formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation when accused 'Bhupendra' was arrested he suffered a disclosure statement nominating therein the petitioner as one of the accused responsible for the commission of above mentioned offence. And thus, the petitioner was arrested.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has opted to orally oppose the present petition.

5. Heard.

6. It has been contended on behalf of the petitioner that petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner it was the petitioner upon whose information the police filed the FIR and investigated the case. As per prosecution, during



the course of investigation merely on the basis of disclosure statement of the co-accused, without any legally admissible evidence the petitioner has been prosecuted. According to learned counsel for the petitioner one of the relevant fact to be noticed in the present case is that in the first five (05) disclosure statements suffered by the co-accused there was no mention of the name of petitioner but in the 6th and 7th disclosure statement the petitioner was nominated as an accused, and thereafter, he is being prosecuted.

7. It has also been contended by learned counsel for the petitioner that this is the second petition for bail moved by the petitioner, and that from the date of dismissal of former bail petition the statement of wife of deceased (PW-5) and another private witness i.e. PW-9 have been recorded and both of them have not supported the prosecution case. According to learned counsel for the petitioner, the PW-5 has demolished the prosecution case with regard to motive behind the commission of offence and the PW-9 has not supported the case at all. As per learned counsel for the petitioner, in view of above mentioned change circumstances, the second petition for bail is maintainable.

8. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 2 years and 2 months and that the trial is taking place at a snail pace as out of 29 only 9 witnesses have been examined, so far. According to learned counsel for the petitioner, there is no eye-witness account in the present case, and that the evidence collected by the investigating agency against the petitioner is



inadmissible in evidence.

9. Per contra, the learned State counsel has come forward with a plea that allegations against the petitioner are for the commission of offence punishable under Section 302 IPC which has a serious implication. According to learned State counsel, if released on bail the petitioner may tamper with the evidence. It has also been contended by the learned State counsel that in the present case a specific role has been attributed to the petitioner in the commission of crime and that from the date of dismissal of former bail petition there is no significant change in circumstances. In view of above mentioned fact-situation, the learned State counsel has sought for dismissal of present petition.

10. The record has been perused carefully.

11. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the decision of present petition:-

- i) that the petitioner is already in custody for a period of more than 02 years and 02 months;
- ii) that trial is taking place at a slow pace as out of 29 witnesses only 9 witnesses have been examined, so far, which shows that trial is not likely to be concluded in near future;
- iii) that the entire prosecution case is resting upon the plea that the petitioner was having a dispute with the deceased which led to commission of offence, but the testimony of PW-5, who is



widow of the deceased makes it abundantly clear that the plea of prosecution with regard to inimical relationship between deceased and the petitioner is not true. In addition to above, another private witness i.e. PW-9, too, has not supported the prosecution case;

- iv) that there is no eye-witness account in the present case;
- v) that the only evidence collected by the Investigating Agency against the petitioner is the confessional statements of petitioner and his co-accused and their confessional statements were recorded at the time when both of them were in custody.
- vi) that in the former 5 disclosure statements of co-accused the name of petitioner did not figure;
- vii) that nothing is left to be recovered from the possession of petitioner;
- viii) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. To deal with similarly situation the guiding principles have been



laid down in the case of ‘Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence’ 2018(3) RCR (Criminal) 954, wherein the Hon’ble Supreme Court of India held that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.

13. Similar principle has been laid down by the Hon’ble Supreme Court of India in the case of ‘Preet Kamal Vs. State of Punjab’, 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

14. In the present case, the principles of law laid down by the Hon’ble Supreme Court in the case of ‘Dataram versus State of Uttar Pradesh and another’, (2018) 3 SCC 22, are also relevant, wherein it has been observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being



incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

15. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

16. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be



said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

17. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

18. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and that the present petition deserves to be allowed.

19. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such



facts to the Court or to any other authority;

- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

08.01.2026
Manoj Bhutani

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