

CRM-M-68210-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

142

CRM-M-68210-2025  
Decided on : 18.03.2026

Vinay @ Vinay Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Keshav Pratap Singh, Advocate and  
Mr. Bharat Singh, Advocate for the petitioner(s).  
Mr. Pawan Kumar Jhanda, Sr. DAG Haryana  
Mr. Devender Kumar, Advocate for the complainant  
\*\*\*\*

SANJAY VASHISTH, J. (Oral)

1. The instant 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        |
|------------------------------------|---------|------------|---------------------|----------------|-----------------|
| Vinay @ Vinay Kumar, aged 22 years | 189     | 07.04.2023 | 364, 302, 120-B IPC | Hodal          | Palwal, Haryana |

2. Name of the deceased in the present case is Vishal, who was allegedly missing from his house since night of 06.04.2023. A complaint in this regard was moved by Mahender Singh (father of deceased Vishal) on 07.04.2023 and thereupon impugned FIR was registered in the evening of 07.04.2023, without naming any suspect. Next day on 08.04.2023, one supplementary statement of complainant-Mahender Singh was recorded, wherein he stated that “from his own



CRM-M-68210-2025

*inquiry and on their own level they have come to know that Vishal has been kidnapped with the intention of killing him by Vinay (petitioner herein) and his father Ghanshyam @ Ghansison. After naming them as suspects, as per arrest memo, petitioner was arrested on 08.04.2023 at 6.30 a.m.*

Thereupon on the following day i.e. 09.04.2023, a disclosure statement of accused Vinay (petitioner herein) was recorded wherein, the facts as to why and how the offence was committed were allegedly disclosed by petitioner. Consequent to the recording of disclosure statement, recovery of iron rod was effected at his instance.

Furthermore, it is pointed out that, complainant-Mahender Singh, being most material witness, already stands examined before the Court on 11.09.2023, wherein during cross-examination it has been admitted that *“at about 11.00/11.20 PM on 07.04.2023, I received a telephone call from the police asking me to come to police station as the dead body was to be recovered at demarcation of accused Vinay. It being late night hours, police did not take accused and me to the place of recovery. Therefore, the accused and me were taken on next day i.e. 08.04.2023 at about 07.30 AM to the nala of banchari and the dead body was recovered at demarcation of accused Vinay. It is correct that a constable of the police was already sitting there keeping a vigil on the dead body before our arrival there. It is incorrect to suggest that the dead body was not recovered at demarcation of accused Vinay.”*

3. Learned counsel for the petitioner argues that co-accused namely Kanhaiya has been granted bail by this Court vide order dated 27.10.2025 passed in CRM-M-54883-2024 (Annexure P-7), another co-accused Brij Mohan @ Tiklu has been granted bail by the trial Court itself. Co-accused Mohit being juvenile is



**CRM-M-68210-2025**

facing trial separately before juvenile Court. One of the accused Ghanshyam (father of present petitioner) died during his confinement in the jail.

He further argues that since the arrest memo shows that petitioner was arrested at 6.30 a.m. on 08.04.2023, the supplementary statement was recorded thereafter simply to implicate petitioner and other co-accused. Referring to the cross-examination (supra) counsel contends that even there is no explanation as to who first noticed the dead body or why a constable was already there guarding the spot, when petitioner was taken to the recovery site. Thus, submits that this is a case of circumstantial evidence with no direct evidence available against him. Given that petitioner has already suffered incarceration for a custody period of 02 years, 11 months, he is entitled to be released on bail. Thus, prays for grant of bail to the petitioner.

4. Learned State counsel assisted by counsel for the complainant opposed the prayer and submissions advanced by learned counsel for the petitioner, and submits that petitioner is the actual accused in the case and circumstances, detailed in his disclosure statement conclusively prove that, he alongwith other co-accused, committed the murder of a young boy namely Vishal. Much reliance is placed upon the facts disclosed in the disclosure statement dated 09.04.2023, thus, prays for dismissal of regular bail petition.

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

6. This Court would definitely refrain itself from giving opinion on factual aspects, including cross-examination which has been referred by the counsel and recorded here above. In all probabilities its affect is to be noticed and then the broader view is to be taken up by trial Court at final stage, after adducing



CRM-M-68210-2025

of complete evidence before it, because it can not be read in isolation.

Moreover, undeniable aspect is that the present case is based on circumstantial evidence, in which only 04 prosecution witnesses have been examined out of total 33. All other accused have already been enlarged on bail and one out of them has already expired. Taking into consideration all the facts, this Court does not find any substantial reason to continue the petitioner in detention any longer.

7. 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.

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

9. 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.

10. 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.

11. Petition stands disposed of.

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

March 18, 2026

reena

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

(SANJAY VASHISTH)  
JUDGE