



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRM-M-68792-2025
Decided on : 08.04.2026

Ajay . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Indu Bala, Advocate and
Mr. Gurjot Singh, Advocate for
Mr. Aditya Jain, Advocate, for the petitioner(s).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ajay	364	23.07.2024	103(1), 3(5) of BNS, 2023	Kherki Daula	Gurugram

2. Brief facts of prosecution case are that on 21.07.2024, one dead body with injury marks was found by police near village Shikohpur in area of District Gurugram, which was later identified to be that of Sanoj Kumar. Complainant, in his complaint, alleged that his younger brother Sanoj Kumar was living in a rented accommodation at Gurugram, where he used to work as a labourer under Aslam Contractor. On 21.07.2024, Julie, wife of his brother Sanoj, informed him that she had been receiving phone calls from



Sanoj, who told her that Ajay (petitioner herein) had been harassing him on pretext that Sanoj used to talk with wife of Ajay and sometimes, Ajay used to beat him. He further disclosed that his brother was bearing injury marks and had been murdered by Ajay and his accomplices and sought action against them.

On 24.07.2024, accused Ajay was arrested and he suffered a disclosure statement to the effect that he alongwith co-accused Sanjay had committed murder of Sanoj (Annexure R-3), as he used to talk to his wife on telephone. Thereafter, accused Ajay got recovered blood-stained stone used in commission of crime and his clothes which he was wearing at that time. Thereafter, co-accused Sanjay was arrested and he also suffered disclosure statement admitting commission of offence. He got recovered CNG auto in which they were travelling at time of occurrence as well as his blood-stained clothes. He also disclosed that he had caused injuries to victim with stone and sticks, which resulted in death of Sanoj and thereafter, dead body was thrown in bushes. After completion of investigation, final report was presented for trial.

3. In present case, except for motive, there is no other material evidence available with prosecution, and also except disclosure statements of co-accused. Reliance has been placed only on alleged recovery of jeans pant and t-shirt worn by petitioner at time of incident, bearing blood stains of deceased Sanoj. However, on perusal of FSL report, this Court is of view that it is yet to be concluded by trial Court whether human blood found on t-shirt and jeans pant of petitioner was of deceased Sanoj in present case or somebody else.



Total incarceration period suffered by petitioner inside the jail is about 01 year, 08 months and 14 days. Besides, out of total cited 30 prosecution witnesses, only 08 witnesses have been examined so far. Thus, trial is likely to take considerable time in its conclusion. Furthermore, case in hand is based entirely on circumstantial evidence with no direct eye-witness account, and one of co-accused, namely Sanjay, has already been extended concession of regular bail by coordinate Bench of this Court vide order dated 13.10.2025 passed in CRM-M-4472-2025 (P-3). However, said accused was nominated in present case on basis of disclosure statement of present petitioner. Accordingly, it is prayed that petitioner be also granted concession of regular bail.

4. On the other hand, prayer for bail is vehemently opposed by learned State counsel by submitting that petitioner is involved in a heinous offence of murder. He alongwith co-accused Sanjay, has committed the murder of the deceased Sanoj, which stands corroborated from their disclosure statements as well as recoveries effected at their instance, such as, blood-stained stone, clothes and CNG auto etc., used in commission of crime.

It is further argued that considering the gravity of offence and manner in which the crime has been committed, petitioner does not deserve concession of regular bail.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Undoubtedly, allegations against the petitioner are serious in nature. However, case of the prosecution is based entirely on circumstantial



evidence, and there is no direct eye-witness account. Role attributed to the petitioner is primarily based upon disclosure statement and recoveries effected pursuant thereto, which are matters to be examined during trial.

So far as, FSL report is concerned, it is yet to be conclusively established before trial Court, whether the blood found on the clothes of the petitioner is that of the deceased or not ?

Further, it is also noticeable that petitioner is inside the jail for a period of about 01 year, 08 months and 14 days and out of total cited 30 prosecution witnesses, only 08 witnesses have been examined so far, thus, trial is likely to take considerable time in its conclusion. Moreover, co-accused – Sanjay has already been granted concession of regular bail by the coordinate Bench of this Court.

7. In view of the above facts and circumstances, and without commenting upon the merits of the case, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner inside the jail for an indefinite period. Accordingly, petitioner deserves to be enlarged on regular bail.

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-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. Petition stands **disposed of**.
- Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 08, 2026
J.Ram

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