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(105)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-70448-2025

Date of decision :01.07.2026

RAKESH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Saroha, Advocate with
Mr. Pardeep Balyan, Advocate
for the petitioner.

Ms. Puneeta Sethi, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 483 BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.260 dated 19.04.2021 (Annexure P-1) registered under Section 364 IPC and Section 25 of Arms Act (Sections 302, 397, 201, 120-B IPC added later on) at Police Station City Ballabgarh, Faridabad, District Faridabad, Haryana.

2. The present FIR came to be registered at the instance of Mohit Goyal S/o Mukesh Goyal and the same reads as under:-

“12. FIR information contents: To the Incharge, police post Agarsain Chowk, Ballabgarh. Sir, it is requested that I Mohit Goyal, son of Mukesh Goyal is resident of Tigaon, police station Tigaon, Distt. Faridabad and my maternal uncle Adesh Mittal, son of Shri Prem Chand Mittal, resident of House No. 428, Sector 2 is running a Hardware shop at Tigaon. I am working with him. My maternal uncle, after



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closing the shop at 8 pm, sat on the front shop. I drove his white coloured Breja car no. HR 51 BL 7136 to him and he drove the said car Immediately at 8.55 pm towards is house. The time would be around 9.10 PM that a phone call from my maternal grand mother that Adesh has not reached home. I also made a phone call to my maternal uncle Adesh Mittal but his number was running buzy and then engage. Then I visited my maternal grand mother at her house in Sector 2 in my SCORPIO car where I came to know that a EECO car was stopped ahead of Breja car in front of the house of Mannu Yadav situate near the bend and the Breja car was forcibly stopped and kidnapped my uncle Adesh Mittal by forcibly putting him in the EECO car and one boy after stepping out of the EECO car also drove Breja Car. It also came to know that a fire arm shot was also fired there. I suspect that the Breja car was of my maternal uncle Adesh Mittal and they have kidnapped my uncle Adesh Mittal. I would request you to recover my uncle Adesh Mittal and legal action be taken against the boys of EECO car. Sd/- Mohit Goyal, Mobile No. 9540519834, Dated 19.4.2021. Police proceedings. xxxxxxxx”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not been named in the FIR. No recovery has been effected from him. As he is in custody since 21.04.2021 but only 18 of the 36 prosecution witnesses have been examined, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. A status report dated 22.06.2026 by way of an affidavit of Ravi Khundia, HPS, Asstt. Commissioner of Police Ballabgarh,

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Faridabad has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, she contends that though it is a case of a blind murder, during the course of the investigation the statement of Vandana Mittal wife of the deceased was recorded as per which she suspected the petitioner. Later, the petitioner and Rahul were apprehended. They suffered their disclosure statements to the effect that they had committed the offence in connivance with others as they were in need of money. A co-accused Vijay named by the petitioner was joined in investigation and was arrested. Rahul got recovered a country-made pistol. The Eeco car used in the commission of the offence was stolen by accused Vijay for which a separate FIR stands registered. So far as the present petitioner is concerned, the allegations against him are that he stabbed the deceased with a knife multiple times. In fact, the petitioner is the main accused who hatched the entire conspiracy to rob the deceased as he was aware of the financial condition of the deceased. The petitioner has also got recovered the Brezza car of the deceased. The Trial is proceeding at a steady pace. 18 of the 36 prosecution witnesses already stand examined and 03 witnesses have been given up. Therefore, now only 15 prosecution witnesses are to be examined. The nature of the accusation levelled against the petitioner does not entitle him to the concession of bail.

5. I have heard the learned counsel for the parties.

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6. As per the prosecution case, the petitioner who is a plumber is the main accused who hatched the conspiracy to rob the deceased as he had known the deceased from long. He has been duly named by the wife of the deceased on suspicion. Pursuant to his arrest, the recovery of a Brezza car of the deceased has been effected from him. The recovery of a pistol has been effected from a co-accused. As per the prosecution case, the petitioner is alleged to have stabbed the deceased with a knife multiple times. The nature of the allegations are grave. The recording of the prosecution evidence is going on at a steady pace.

7. Keeping in view the aforesaid facts and circumstances of the case, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

01.07.2026

JITESH

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