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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-70798-2025

Date of decision: 24th February, 2026

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Satyawan Singh Nain, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 135 dated 07.11.2022 registered under Sections 201, 302 and 34 of IPC at Police Station Rohadai, Rewari, District Rewari. His previous petition had been dismissed as withdrawn vide order dated 12.08.2024.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint submitted by the complainant Ramesh Nath on 07.11.2022 alleging that on 05.11.2022, the dead bodies of his 20 years old son Amit and one Aman were found floating in a well situated near his village and he had given

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intimation to the police about their drowning. He disclosed that on 07.11.2022, he was informed by one Mukundra Nath that on 02.11.2022, he had seen his brother Aman and Amit while going towards *kutchha* path of Village Hansawas on a motorbike along with the present petitioner Rohit and co-accused Raja. The complainant also disclosed that he along with some respectable members of the village had questioned the petitioner and Raja and they had admitted the factum of killing the victims on account of their previous quarrel that had taken place on 30.10.2022. He raised suspicion that the petitioner and co-accused had thrown the dead bodies of the victims in the well after committing their murder. Inquest proceedings of the dead bodies of the victims had already been conducted and DDR No.24 was entered.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead bodies was conducted. The petitioner and co-accused Raja were arrested on 07.11.2022. They were interrogated and suffered disclosure statements admitting their involvement in the crime and demarcated the place of occurrence. They also got recovered the motorbike used at the time of occurrence. Statement of witness Mukundra Nath was recorded under Section 164 of Cr.P.C. The call detail records of the victim was also collected. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 07.11.2022. Only 05 out of 21 prosecution witnesses have been examined so far. Two material witnesses namely PW-3 Sukhbir and PW-4 Kailash Nath have not implicated

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the petitioner in the commission of subject offences. The case is based on circumstantial evidence. The complainant has still not come forward for recording his testimony before the learned trial Court. There are no chances of conclusion of trial in near future. The delay in conclusion of trial is not attributable to him. His prolonged incarceration has amounted to violation of his fundamental rights under Article 21 of Constitution of India. The co-accused Raja, whose case is on similar footing has already been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that he deserves to be released on bail.

5. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, thus, argued that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. It is well settled proposition of law that the Court while considering an application for grant of bail, has to keep certain factors in mind. Such as whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence, circumstances peculiar to the case, the nature and gravity of the accusation, the danger of accused absconding or fleeing if released on bail and reasonable apprehension of the witnesses being threatened etc. However, at the same time, the period of

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incarceration is also a relevant factor to be considered while deciding a bail application. Each day spent by an accused in custody provides a cause of action for filing bail application. Prolonged detention itself is a ground for grant of bail since the settled principle of law is that detention prior to trial should not become punitive. Pre trial incarceration should not be a replica of post conviction sentencing and this principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirement of criminal justice system. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. Only 05 prosecution witnesses have been examined so far. Learned counsel for the petitioner has placed on record Annexures P-4 and P-5-the copies of sworn deposition of PW-3 Sukhbir and PW-4 Kailash Nath, in whose presence the petitioner had allegedly suffered disclosure statement admitting his involvement in the crime. However, both of them have turned hostile and are shown to have stated that they did not have recorded any statement to the police that the petitioner had suffered any such disclosure statement. They are even shown to have stated that the complainant Ramesh Nath and PW-2 Mukender Nath had not disclosed to them that on 02.11.2022, the petitioner along with the co-accused had taken the victim along with them. The chances of conclusion of trial in near future are bleak and a substantive number of witnesses are yet to be examined. The continued detention of the petitioner is not going to serve any useful purpose. Taking into consideration the nature of the evidence which has come on record

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as against the petitioner so far, the period spent by him in custody and the attendant facts and circumstances of the case peculiar to the case, this Court is of the considered opinion that the petition deserves to be allowed at this stage. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |