

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:027876



CRM-M-71375-2025 (O&M)

Harvinder @ Hariya

... Petitioner

Vs.

State of Haryana

... Respondent

|    |                                                                                                      |                |
|----|------------------------------------------------------------------------------------------------------|----------------|
| 1. | The date when the judgment is reserved                                                               | 18.02.2026     |
| 2. | The date when the judgment is pronounced                                                             | 23.02.2025     |
| 3. | The date when the judgment is uploaded on the website                                                | 23.02.2026     |
| 4. | Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced | Full           |
| 5. | The delay, if any, of the pronouncement of full judgment, and reasons thereof                        | Not applicable |

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Punit Malik, Advocate and  
Mr. Maneesh Dhankhar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been 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.341, dated 01.10.2024, registered under Section 103(1) of the BNS (Challan under

Sections 103(1) and 238 of the BNS was presented lateron), at Police Station Sector-5, Gurugram.

2. The aforementioned FIR was registered on the basis of written complaint submitted by complainant – Pawan on 01.10.2024, alleging that on the previous evening, his brother had left home and in the morning of next day, on receipt of information about dead body of his brother, Pardeep Sahu lying in a vacant plot owned by one Raj Kishore, he had rushed there and had found that his brother had been murdered by someone by causing injuries on his head. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, the petitioner was joined into investigation on the basis of a secret information. He was interrogated and suffered disclosure statement admitting his involvement in the murder of the victim with whom he was having friendly relations, by striking blows with *dandas* on his head and thereafter, throwing his dead body. On the basis of his disclosure statement, co-accused Mohit was also nominated and arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case only on the basis of some secret information. There is neither any eye witness to the occurrence nor any incriminating circumstance could be collected against him to connect him with the commission of offence of murder of the victim. The entire prosecution version is highly improbable and unnatural. Co-accused Mohit has been extended benefit of bail. On parity, he too deserves to be

extended the same benefit. His further incarceration would not serve any useful purpose. The trial will take considerable time to conclude. It is, thus, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that the allegations against the petitioner are serious in nature. Though, he was nominated in this case on the basis of disclosure statement, however, the dead body of the victim was recovered from the plot which was nearby the residence of the victim. In his own disclosure statement, the petitioner had admitted that on the fateful night, the victim had consumed liquor with him. He had also disclosed the motive for causing injuries to the victim and kill him. Disclosure statement of co-accused is also a relevant piece of evidence for connecting the petitioner with the commission of subject offence. The *danda* used at the time of occurrence also stands recovered. The petitioner has criminal antecedents and there are chances of his absconding or intimidating the witnesses if extended benefit of bail. The case of the co-accused is at a different pedestal. It is, thus, stressed that the petitioner does not deserve to be extended the benefit of bail.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have committed the murder of the victim after calling him at his house, consuming liquor with him and then causing injuries on his head with *danda*, and then throwing his dead body in a plot nearby his house. The call detail record of the

phone of the victim and the petitioner had been collected during investigation and the same reveals that both of them were in communication with each other before the incident. As per the locations including the latitude and longitude coordinates, it also showed his presence near the crime spot and this circumstance is prima facie suggestive of complicity of the petitioner in the subject crime. The motive that had been attributed to the petitioner to eliminate the victim is that the latter used to keep an evil eye on his daughter and also used to harass him for returning an amount of Rs.1 lakhs which had been given by him to the petitioner for the purpose of securing his bail in a case previously registered against him. The allegations against the petitioner are serious in nature. The circumstances point out his active involvement in the commission of subject offences. His case cannot be stated to be at par with the co0accused. No doubt the trial is likely to take time to conclude as several witnesses are yet to be examined. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Keeping in view the gravity of the allegations, the quantum of sentence for which the conviction may entail and the

attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

23.02.2026

*harjeet*

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

(MANISHA BATRA)  
JUDGE