



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M No.146 of 2026 (O&M)

Date of decision: 21.04.2026

Rakesh @ Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Keshav Pratap Singh, Advocate and
Mr. Tarun Kumar, Advocate
for the petitioner.

Ms. Jasmine Gill, AAG, Haryana.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the grant of regular bail to the petitioner in case bearing FIR No.45 dated 06.04.2025, under Sections 103(1), 3(5), 238(a) of BNS, 2023, registered at Police Station BPTP, Faridabad, District Faridabad.

2. As per the prosecution case, the present FIR came to be registered on the statement of the complainant Sanjay, wherein allegations were levelled that his brother Karanpal @ Bichhu had been murdered and the names of co-accused Deepak and Naveen were specifically mentioned as the persons responsible for the commission of the offence. It is further the case of the prosecution that the name of the present petitioner did not figure in the FIR and surfaced only during the course of investigation,



when both the co-accused, namely Deepak and Naveen, were arrested and suffered disclosure statements, pursuant to which it was alleged that the petitioner had provided them with a plastic bag and polythene, which were used for concealing the dead body of the deceased.

3. It is contended by learned counsel for the petitioner that the present case is based purely on circumstantial and hearsay evidence and there is no direct evidence connecting the petitioner with the alleged offence. It is further argued that the name of the petitioner does not find mention in the FIR and has surfaced only on the basis of disclosure statements of co-accused, which are inadmissible in evidence. Learned counsel further submits that the petitioner is in custody since 08.04.2025, the investigation in the case is complete, challan has already been presented and the petitioner is no longer required for custodial interrogation. It is also contended that the trial is likely to take considerable time and there is no apprehension of the petitioner absconding or tampering with the prosecution evidence, and he undertakes to abide by any condition imposed by this Hon'ble Court.

4. On the other hand, learned State counsel has opposed the prayer for grant of bail and has argued that during the course of investigation, co-accused Deepak and Naveen were arrested and they suffered disclosure statements, wherein they specifically disclosed that it was the present petitioner who had provided them with plastic bag and polythene bag to pack the dead body of the deceased and to conceal the same near the bushes close to the Ashram. It is further submitted that thereafter, the petitioner was arrested on 08.04.2025 and he also suffered a



disclosure statement, wherein he admitted that he had provided the plastic bag and polythene bag to co-accused Deepak and Naveen for packing the dead body. Learned State counsel has thus contended that the petitioner has played a specific role even after the commission of the offence by helping and advising the co-accused in concealing the dead body and, therefore, he does not deserve the concession of bail. It is further argued that material prosecution witnesses are yet to be examined and the petitioner is in custody since 08.04.2025.

5. I have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

6. A perusal of the record would show that the name of the petitioner does not find mention in the FIR and he has not been attributed any role in the actual commission of the offence of murder. The case of the prosecution primarily rests upon the disclosure statements of the co-accused Deepak and Naveen as well as the disclosure statement allegedly suffered by the present petitioner. From the material placed on record, it transpires that the role attributed to the petitioner is only to the extent that after the commission of the alleged murder by the co-accused, they informed the petitioner about the occurrence and thereafter, the petitioner is stated to have suggested them to conceal the dead body and provided them with plastic bags and polythene for the said purpose. Thus, at this stage, it cannot be said that the petitioner had any prior knowledge of or involvement in the commission of the murder and his role appears to be subsequent to the occurrence. The allegations against the petitioner, therefore, are primarily with regard to causing disappearance of evidence,



which would fall within the ambit of Section 201 IPC/Section 238(a) of BNS, 2023. The petitioner is in custody since 08.04.2025. The investigation in the case is complete and the challan has already been presented. It is not disputed that not even a single prosecution witness has been examined till date and the trial is likely to take considerable time to conclude. No useful purpose would be served by keeping the petitioner in further custody.

7. Without commenting on the merits of the case, but considering the nature of allegations, the role attributed to the petitioner, the period of custody undergone by him and the fact that the trial is likely to take time, this Court deems it appropriate to allow the present petition.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned and subject to the conditions that he shall join the trial proceedings regularly and shall not tamper with the prosecution evidence or influence the witnesses in any manner.

9. Pending applications, if any, also stand disposed of.

21.04.2026
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(MANDEEP PANNU)
JUDGE

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