

2026:PHHC:066337



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1869 of 2026

Naresh ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	28.04.2026
2.	The date when the judgment is pronounced	30.04.2026
3.	The date when the judgment is uploaded on the website	30.04.2026
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. Navdeep Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
72	14.12.2022	GRP Rohtak, District GRP Ambala Cantt.	302, 307, 394, 397 and 34 of IPC

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2. As per the allegations, on 12.12.2022, the complainant Rahul along with the victim Vikas and Ramkesh, who were residing with him in the same rented accommodation, had gone to Delhi to drop his relative at the Railway Station. They had come back at Railway Station, Rohtak on the evening of 13.12.2022. While all three of them, were going towards their rooms and had reached near Hisar flyover, they were intercepted by three youths who were armed with knives. They snatched money from the complainant and his companion Ramkesh by showing knives. Thereafter, they tried to snatch money from victim Vikas, who resisted and then all three of them struck several blows with knife on his person due to which he sustained serious injuries. The complainant and his companion Ramkesh tried to save him and then they had fled. Vikas had succumbed to the injuries and died at the spot. On the complaint of the complainant, the aforementioned FIR was registered. Investigation proceedings were initiated. The complainant identified the petitioner and co-accused Vishal, as two of the assailants. They were arrested on 19.12.2022. They suffered disclosure statements admitting their involvement in the crime and disclosed the name of the third assailant as Sahil and also disclosed that the offence had been committed by them in connivance with the co-accused Shibu. All of them were also nominated as accused and were arrested. Investigation now stands completed and the petitioner is facing trial along with the co-accused.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR. He has been falsely implicated in this case. The disclosure statements allegedly suffered by the co-accused and himself cannot be

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considered to be admissible in evidence. The story that he was a drug addict and had murdered the victim to satisfy his personal needs and agendas of narcotic consumption, is concocted one. He has been in custody since 19.12.2022. He has a permanent abode. There are no chances of his absconding. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have intercepted the victim Vikas, the complainant Rahul and eye-witness Ramkesh on the night of 13.12.2022 and is further alleged to have committed the offence of dacoity and on resistance by the victim Vikas of snatching of his money, the petitioner and the co-accused are further alleged to have inflicted several blows with a knife on the person of the victim thereby causing his homicidal death. The allegations against the petitioner are quite grave and serious in nature. The complainant Rahul is stated to have identified the petitioner and co-accused Vishal during investigation. He has since been examined and has also identified them in the Court. Even PW-4 Ramkesh @ Vishvanath who was also an eye-witness is shown to

have identified the petitioner as one of the assailants in his sworn deposition

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recorded before the Court. The petitioner has placed on record photocopy of sworn deposition made by PW-3 Rajesh Kumar Gupta, cousin brother of the victim who has not implicated the accused in commission of subject offences. However, he was not eye-witness to the occurrence. The incarceration of the petitioner has been prolonged. However, due to that reason alone, he cannot be extended benefit of bail keeping in view the nature of the allegations. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the

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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)*. In light of the foregoing legal principles, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

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

30.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No