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

**CRM-M No.61347 of 2024
Date of Decision: 26.05.2025
Reserved on: 22.05.2025**

Kunal ... Petitioner

Versu

The State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikas P.Singh, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, 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
331	05.08.2023	Israna, District Panipat	346 of IPC (302, 201 and 34 of IPC and 25 and 29 of Arms Act, 1959 (For short "Act, 1959") added later on)

2. As per the allegations, on 03.08.2023, the victim Rinku had left home in his motorcycle bearing registration No.HR06AR-2706 but did not come back. The complainant Karambir Singh who is father of Rinku had made search for him but since he could not trace him, as such,

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he reported the matter to the police. Initially, a case under Section 346 of IPC was registered. Investigation proceedings were initiated. On 06.08.2023, the dead body of victim Rinku was recovered from a pond at Village Israna Palri road. The same was exhumed. A complainant again submitted a written complaint alleging that the petitioner along with co-accused Aman, Sumit and some other persons had a hand in the murder of the victim. Offences under Sections 201 and 302 read with Section 34 of IPC were added. Investigation proceedings were initiated. Offence under Section 25 of Act, 1959 was also added.

3. As per the further allegations, the accused Aman was arrested on 07.08.2023. On interrogation, he suffered disclosure statement admitting his involvement in the crime and also about complicity of the present petitioner and co-accused. They were nominated as such.

4. As per the further allegations, the petitioner was arrested on 08.08.2023. He too suffered a disclosure statement admitting that the murder of the victim had been committed by him and the co-accused by causing firearm injuries and throwing bricks and that they had burried the dead body of the victim. The co-accused Sumit was also arrested. The pistol used in the occurrence was also recovered. Presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offences.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. A false recovery is planted upon him. There is no eye-witness to the occurrence. He has does not have any criminal antecedents. The case is based on

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circumstantial evidence and there is no circumstance to connect the petitioner with the crime. He had no motive to kill the victim. Material witnesses already stand examined. There are no chances of his absconding or intimidating the witnesses. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

6. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are serious allegations against the petitioner. His complicity in the crime stands established from the material placed on record. He hatched a conspiracy with the co-accused Aman and Sumit to kill the victim Rinku who was having illicit relations with sister of Aman and who had also given beatings to father of the petitioner. It was he who had bought firearms from co-accused Deva Bihari for facilitating murder of the victim. Specific act of hitting the head of victim with a brick has been attributed to him. He along with co-accused also caused disappearance of evidence of offence of murder of the victim by wrapping his dead body in a gunny bag and throwing it in a pond. The trial is going on at a proper pace. With these submissions, it is stressed that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner along with the co-accused is alleged to have committed the murder of the victim and to have caused disappearance of evidence of offence of murder by concealing the dead body. The allegations against him are serious in nature. It is well established that mere long period of incarceration in jail per se is not material for entitling an accused to be

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enlarged on bail if the accused has committed a heinous offence. Keeping in view the gravity of the allegations as levelled against the petitioner, the severity of the punishment if awaited and the above discussed facts and circumstances, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

(MANISHA BATRA)
JUDGE

26.05.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No