IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

220 **CRM-M-22556-2025** (O&M)
Date of decision:22.09.2025

Mukki @ Mukesh

.... Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishav Kamboj, Advocate for the petitioner.

Ms. Himani Arora, D.A.G, 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.133 dated 29.04.2024 registered under Sections 346 of IPC (Sections 302, 201 and 34 of IPC and Sections 25(1-B) (A) of Arms Act were added later on) at Police Station Hathin, District Palwal, Haryana.

2. The aforementioned FIR was initially registered under Section 346 of the Indian Penal Code on the basis of a complaint submitted by the complainant Shiv Charan, alleging that on the night of 26.04.2024, his son Rahul had gone to attend some function. While on his way back, Aakash, son of Satte, had met him and took his son Rahul along with him. However,

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since then, the whereabouts of his son were not known and he was missing. He also disclosed that Aakash was accompanied by one Mohit and some other boys. After registration of the FIR, investigation proceedings were initiated. On 30.04.2024, the dead body of the victim was recovered from a pond in the jungle of Village Mandkola. The same was identified by the complainant. He recorded his supplementary statement on the same day, and on the basis of which the petitioner, along with Aakash, Mohit, Rohit and Ankit, was nominated as an accused and as perpetrator of the murder of the victim.

3. The accused Aakash was taken into custody on 02.05.2025. He suffered a disclosure statement admitting his involvement in the crime and also took the name of the petitioner. The accused Love @ Lakhan and Rohit were arrested on the same day. From accused Rohit, the mobile belonging to the victim was recovered, whereas from accused Aakash, the motor-bike which the victim was having at the time of his murder was recovered. The petitioner was arrested on 10.05.2024. He too suffered a disclosure statement admitting his involvement in the crime and demarcated the place of occurrence. The vehicle and mobile phone used by him at the relevant time were also recovered along with his wearing apparel. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by the learned counsel for the petitioner that he has been falsely implicated in the present case. He was not named in the FIR. There is no eye-witness to the murder of the victim. No specific role has

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been attributed to him. The victim was last seen in the company of accused Aakash and not in his company. The prosecution version is totally improbable, unnatural and suffers from material contradictions. He has been in custody for a long time. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody any longer. He has clean antecedents. It is, therefore, urged that the petitioner deserves to be released on bail.

5. Status report has been filed by respondent-State. Learned State counsel, while refuting the contentions as raised by the petitioner, has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of regular bail.

6. This Court has heard the rival submissions.

7. The petitioner, along with the co-accused, is alleged to have committed the murder of victim Rahul, i.e., the son of the complainant, on the night of 26.04.2025. The dead body of the victim was recovered in a putrefied condition from the village Mandkola. The victim was last seen in the company of the petitioner as well as co-accused by witnesses Devender and Rinku. Witness Rinku has been given up during the course of the trial as having been won over, but witness Devender is yet to be examined. The allegations against the petitioner are serious in nature.

8. It is a well settled proposition of law that long incarceration of an accused in cases of serious crime like murder is not a ground for release of such accused on bail. The allegations levelled against the petitioner are serious in nature. Keeping in view the gravity of allegations so levelled, the

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quantum of sentence which the conviction may entail and the attendant facts and circumstances, but without meaning to make any comment on the merits of the case lest the same prejudice the trial, this Court is inclined to hold that the petitioner does not deserve the concession of regular bail. Accordingly, the present petition is hereby dismissed.

9. Since the main petition has been dismissed, pending application(s), if any, shall stand disposed of.

(MANISHA BATRA)
JUDGE

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

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