



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

216

CRM-M-6595-2025

Date of Decision : 10.02.2025

NIRMAL

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENT

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr.D.K.Narula, Advocate
for the petitioner.

Mr. Sandeep Singh, Addl.A.G., Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.145 dated 12.09.2019, registered for the offences punishable under Sections 302, 201, 147, 149 (Section 120-B IPC added later on) and Section 25 of Arms Act, 1959 at Police Station Nathu Sarai Chopta, District Sirsa.

2. As per contents of the FIR, it was alleged as under :

“ Today I INSP/ SHO along with HC Amit Kumar 257, CT Om Parkash 441 on government vehicle bearing registration no. HR-57-9938 make Gypsy driven by Driver EHC Dayanand 843, were present near Nejia Kheda for official work. That Police Station MHC informed that dead bodies of two young boys are laid in Kutana Miner Nathusari Kalan and in this regard, Control Room has been



informed. ASI Rajender Singh 544, Constable Hanuman Singh 1435, HGH Radheshyam 2149, HGH Surjit 4558, HGH Virender 2226 are sent on spot to take action. On this information, I INSP/SHO along with co- employees am reached on spot. where ASI Rajender Singh 544 along with his co-employees was found present and numerous persons were found present on spot and dead bodies of two unidentified young boys were present inside Kutana Miner, on which several injury marks are present. That Dr. Ajmer Singh of Scene of Crime Team was called on spot telephonically and in his presence, both dead bodies were examined. That both dead bodies are of age group about 25-30 years and injury marks caused by sharp edged weapon are present on their heads, face, neck, hands, feet and back. That some unidentified persons after murdering these both unidentified young boys with sharp edged weapon and putting these dead bodies in Kutana Miner with intention to misappropriate them, have committed offence punishable under Section 302/ 201 IPC and on conducted enquiry about them till date, they have not been identified. Hence said report is being sent to police station by hand of Constable Om Parkash 441 for registration of FIR. After registering FIR, case number may be intimated and special report of said case may be sent in the service of Duty Magistrate and Senior Officer and Halqa Officer may be informed to reach on spot.”

3. Counsel for the petitioner submits that the case built by prosecution against the petitioner is merely based upon confessional



statement alleged to have been made by petitioner while in police custody which is inadmissible in evidence. Petitioner is behind bars for more than 05 years, 04 months and 24 days.

4. Mr. Mann submits that apart from confessional statement made by accused, there are recoveries in the form of mobile charger which belongs to the deceased made from accused and even the motorcycle of the deceased was recovered on the statement made by accused. However, he is not in a position to dispute that there is no evidence to substantiate that mobile charger recovered from the petitioner indeed belongs to the deceased only. Further, the recovery of motorcycle has also been made from a public place, thus, notice thereof cannot be attributed to the petitioner specifically to attract the provision as contained under Section 27 of the Indian Evidence Act.

5. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner is more than 05 years, 04 month, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

10.02.2025

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**(PANKAJ JAIN)
JUDGE**

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