



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

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**CRM-M No.31625 of 2025  
Date of decision : 4.7.2025**

**Sombir****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Aditya Sanghi, Advocate, for the petitioner

Mr. Ashish Bishnoi, DAG, Haryana

Mr. S.K. Yadav, Advocate, for the complainant

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.287 dated 3.10.2023 under Sections 201, 302, 34 and 120-B of the IPC, registered at Police Station Ateli, District Mahendergarh.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*'I, Naresh Kumar, son of Matadeen, caste Ahir, resident of Dhani Harsukh Bhodi, do agricultural work. I have purchased one vehicle, a pick-up bearing number HR 66C 5111 and one Bolero Camper bearing number HR 66C 7549, which I run on rent through Sanjeet, son of Randhir Singh, caste Rajput, resident of Bhodi. On 28.09.2023, in the evening around 7-8 PM, Sanjeet son of Randhir Singh resident of Bhodi,*



*and Manish son of Ajit resident of Sohdi came to my house with a white Swift Dzire car. They sat with me for some time and had a conversation, and Sanjeet took \*2,62,000/- from me for purchasing goods. Thereafter, he took my son Amit alias Balkesh, aged around 24 years, along with him in the car. Subsequently, on 29.09.2023, I sent 7,200/- from my phone to Sanjeet upon his asking. Again, on 30.09.2023, when Sanjeet asked for money for purchasing goods, I transferred 15,000/- from my phone to Sanjeet's phone number 9817113507. Additionally, my son Yogesh, who works in Dubai, sent 57,200/- from his phone to Sanjeet's above-mentioned phone numbers. Today, ie., on 03.10.2023, my nephew Dinesh, son of Rajbir, resident of Dhani Harsukh Bhodi, was going to Sanjeet's house to nquire about my son. On the way, Sunil, son of Prithvi Singh, resident of Bhodi, was talking to someone on the phone and was saying that on 28.09.2023, Sandeep, son of Kanwar Singh, resident of Dhana Pacheri (Rajasthan); Sanjeet, son of Randhir, resident of Bhodi; Manish, son of Ajit, resident of Sohdi; and Sombir, son of Mahipal, resident of Bhodi -together murdered Amit, son of Naresh (my son), and threw his dead body in a well within the boundary of village Bhodi. These things were narrated to me by my nephew Dinesh after returning home. So, I informed my brothers and relatives about this matter. Thereafter, we asked Sunil, son of Prithvi Singh, resident of Bhodi, about my son Amit. Sunil told us that your son Amit's dead body is lying in the well of Abhay Singh, son of Ramchandra, resident of Tigra, which is located within the boundary of village Bhodi. When we reached the well of Abhay Singh, we saw a dead body lying in the well. At the same time, the police vehicle also arrived at the spot. We called the boring machine operators, and with the help of Sandeep, son of Malkhan, resident of Bihali, who is the owner of the boring machine, and his companion Naresh, son of Guggan Ram, resident of Bihali, the dead body was brought out from the well in the presence of the police. On seeing the body, we identified it as that of my son Amit alias Balkesh. My son Amit alias Balkesh has been murdered by Sanjeet, son of Randhir Singh, resident of Bhodi, along with his accomplices Manish, son of Ajit, resident of Sohdi; Sombir, son of Mahipal, resident of Bhodi; and Sandeep, son of Kanwar Singh, resident of Dhana Pacheri, Rajasthan. In order to conceal the facts, they threw the body into the well. Sunil, son of Prithvi Singh, resident of Bhodi, is also involved in committing this crim. Therefore, it is requested that strictest*



*possible action be taken against them and justice be given to us, and they be awarded the harshest punishment.*

*Applicant-Naresh Kumar, son of Matadeen, Resident of Dhani Harsukh, Bhodi, Tehsil Ateli, District Mahendragarh, M.8059461531.'*

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 3.10.2023. Learned counsel has further argued that the case in hand is one of circumstantial evidence. Learned counsel for the petitioner has further submitted that the medical evidence brought on record by the police does not corroborate with the prosecution version, in so far as it relates to the alleged injury given by the present petitioner to the deceased. Learned counsel has further submitted that the prime prosecution witness namely-Naresh Kumar-PW-11 was declared hostile by the Public Prosecutor *qua* identification of the accused-Manish and Sandeep. In this regard, learned counsel for the petitioner has further submitted that a perusal of the FIR in question would reveal that the entire prosecution version is based upon, one Sanjeet and the said Manish having taken to deceased from the company of the complainant. Learned counsel for the petitioner has further iterated that the petitioner was falsely implicated into the FIR in question. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further submitted that the petitioner had submitted before the Investigating Agency that the petitioner did not know the co-



accused namely Sanjeet but there is specific CDR available with the police to nullify the same. Learned State counsel has further submitted that the shop keeper from whom the petitioner had purchased salt and wire to de-compose the body, has specifically identified the petitioner. Learned State counsel has further submitted that the petitioner is involved in a serious case i.e. of murder, hence he ought not to be granted the concession of regular bail.

While raising submissions in tandem with those raised by the learned State counsel, learned counsel for the complainant has argued that the petitioner was actually hired by the co-accused to murder the deceased. Learned counsel for the complainant has further argued that there is already sufficient evidence available on record to warrant conviction of the petitioner, and therefore, he ought not to extend the concession of regular bail. He further submits that the recovery of wire and *danda* used in the incident have been affected from the petitioner.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 3.10.2023. After completion of investigation, challan stands presented on 19.2.2024. Total 36 prosecution witnesses have been cited, out of which only 16 have been examined till date. It is not in dispute that all private witnesses including the FIR-complainant stand examined. The rival contentions of learned counsel for the parties give rise to indubitable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it



appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per custody certificate dated 3.7.2025 filed by learned State counsel in Court today, the petitioner has already suffered incarceration for a period of one year, nine months and one day & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, 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. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent themselves on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those

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which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

**(SUMEET GOEL)**  
**JUDGE**

**4.7.2025**

*Ashwani*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No