



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-12599 of 2025

**Reserved On: 29.08.2025
Pronounced On: 08.09.2025**

Joginder alias Joggi

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Aditya Sanghi, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. This is first petition, filed by the petitioner, under Section 483 of BNSS for grant of bail. For the commission of offence punishable under Section 302, 201 346 and 34 IPC, FIR No. 422 dated 04.09.2023 has been registered in Police Station Narnaund, District Hisar. During the course of investigation of above mentioned case, the petitioner has been arrested. He is in custody since 17.09.2023 and therefore, craving for the benefit of bail.

2. Briefly stating the facts emerging from the record are that initially, the FIR was lodged for the commission of offence punishable under Section 346 IPC at the instance of Kamla, the complainant. In her above mentioned complaint, the complainant had stated that her son, namely Manoj alias Moji was missing since 2.00 P.M. on 02.09.2023. According to above mentioned complainant, Manoj alias Moji had left home, while telling

her that he was going to meet Pinki, who was running a Beauty Parlour at Gohana, and Joginder alias Joggi to settle an issue with regard to financial transaction of ₹10,00,000/- with both of them. According to complainant, thereafter her son got missing.

3. It has been further alleged by the prosecution that when whereabouts of Manoj alias Moji were searched by the police, pursuant to above mentioned FIR, an information was received that dead body of Manoj was found in Gang Kanal, Shamli. Therefore, after complying the formalities with regard to identification of dead body, the statement of brother of deceased was recorded under Section 161 Cr.P.C. In his statement, the brother of deceased had revealed that Manoj was killed by Joginder alias Joggi and his accomplice Pinki. According to prosecution, during the course of investigation, Vikas had delivered a recorded conversation between Manoj alias Moji and Joginder alias Joggi, and a letter written by Manoj alias Moji. It is the case of prosecution that during the course of investigation, it was revealed that the deceased and the accused had gone to Gang Kanal, Shamli, on motorcycle and on the way, the petitioner and the deceased consumed alcohol and when Manoj alias Moji lost conscious, he was strangled to death and his body was thrown in canal.

4. Heard.

5. It has been argued by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that any cogent and reliable evidence, which can be termed as admissible in evidence, has not been collected by the Investigating Agency. According to learned counsel for the petitioner, the instant case is a blind

murder case, wherein any motive behind the commission of crime has not been specifically attributed to the petitioner.

6. In addition to above, learned counsel for the petitioner has also argued that in the present case, the trial is not likely to be concluded in near future and all the material witnesses have already been examined and that release of petitioner on bail is not likely to be detrimental to the cause of prosecution.

7. Per contra, learned State counsel has argued that in the present case, wherein there is no eye witness account, ample evidence has been collected by the police to show that both the petitioner and his co-accused, namely Pinki, are involved in the commission of crime. According to learned State counsel, a few witnesses are yet to be examined in this case and that, if released on bail, the petitioner may influence the witnesses. The learned State counsel has further argued that otherwise also, the gravity of offence does not warrant concession of bail for the petitioner.

8. The record has been perused carefully.

9. A careful perusal of the record shows that present case is a case based on circumstantial evidence and there is no eye-witness account. In such circumstances, the analysis of the facts and circumstances of the present case shows that there are certain factors which need to be taken into consideration for deciding the present bail petition. Those factors are:-

- i) that the petitioner is already in custody for a period of almost two years i.e. since 17.09.2023;
- ii) that investigation of this case is already complete and therefore, nothing is left to be recovered from the

possession of petitioner;

- iii) that trial is not likely to be concluded in near future;
- iv) that the petitioner has no criminal antecedents, as any other case has not been reported in custody certificate;
- v) that there is no private witness, whose testimony is material in nature and left to be examined; and
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose.

10. Taking into consideration the cumulative effect of all the aforesaid factors, the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to bail subject to furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court concerned is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

11. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

September 8, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No