



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

Date of decision: 15.10.2025

110

CRM-M-54448-2024

RADHEY SHYAM ALIAS JHABBU

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

110(2)

CRM-M-13071-2025

VISHAL ALIAS DHANANJAY ALIAS RAGHAV

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Balwinder Singh Jolly, Advocate
for the petitioner in CRM-M-54448-2024.

Mr. Pawan Singh, Advocate (through V.C.)
for the petitioner in CRM-M-13071-2025.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. By this common order, above noted petitions are being decided together as both the petitions relate to common FIR. For brevity, facts are taken from CRM-M-54448-2024.



2. Prayer in this second petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioners in case FIR No.20, dated 09.06.2020, registered at Police Station GRP, Gurugram, under Sections 302, 201, 34 of IPC.

3. Upon notice, Mr. Ramesh Kumar Ambavta, DAG, Haryana, has accepted notice on behalf of the respondent-State.

4. I have heard the learned counsel for the petitioners as well as learned State counsel and have gone through the material on the file.

5. Brief facts of the prosecution case are that on 09.06.2020, intimation was received that dead body of a man is lying on the railway track near km 34/11 and thereafter, police party reached the spot and recovered the dead body. Post-mortem of the same was got conducted. Some blood-stained stones were also lying nearby and there were dragging marks and it appeared that the deceased had been murdered by hitting him with stones on his head and thereafter, the dead body was thrown on the railway track after dragging it. Since, no one came to identify the dead body and the incident had also not been reported, the body was cremated. Thereafter, on 16.06.2020, the body was identified from the photographs and belongings by Dharambir and Saroj Devi to be of Anand @ Bittu. Thereafter, his family members disclosed that on 08.06.2020, he had gone with his friends Radhey Shyam @ Jhabbu (petitioner), Jai @ Bachhi, Vishal @ Dhananjay @ Raghav (petitioner) and Sohan but he had not returned. Matter was investigated and on 19.06.2020, Radhey Shyam @ Jhabbu and Jai @ Bachhi were arrested. On interrogation, they suffered disclosure statements admitting having



committed the murder of the deceased and disclosed that they along with Vishal @ Dhananjay @ Raghav, deceased Anand @ Bittu and Sohan had gone to railway track and they had consumed some intoxicating substance and a quarrel took place between deceased Anand @ Bittu and Vishal @ Dhananjay @ Raghav over payment of money and thereafter, they had beaten him and committed his murder. After completion of investigation, challan was presented against accused Radhey Shyam @ Jhabbu and Jai @ Bachhi. Thereafter, on 19.02.2021, accused Sohan and Vishal @ Dhananjay @ Raghav were also apprehended. They also suffered disclosure statements admitting having committed the murder of deceased Anand @ Bittu alongwith co-accused Radhey Shyam @ Jhabbu and Jai @ Bachhi and having thrown the dead body on the railway track. They also demarcated the place where the offence was committed and the place where dead body was thrown on the railway track. After, completion of investigation, supplementary challan was presented against the accused Vishal @ Dhananjay @ Raghav and Radhey Shyam @ Jhabbu.

6. Learned counsel for the petitioners argued that petitioner Radhey Shyam @ Jhabbu is in custody since 19.06.2020 while Vishal @ Dhananjay @ Raghav is in custody since 19.02.2021. The present case is based on circumstantial evidence. The only evidence against the petitioners is that of last seen, which too has been fabricated. No family member had approached the police despite the fact he had not allegedly returned from 08.06.2020 till the dead body was identified and such a conduct on behalf of family members is highly improbable. Had the



deceased left in the company of petitioners and the other accused, they would have certainly inquired the whereabouts of the deceased from them and would have certainly informed the police, in case, he had not returned to home. Learned counsel next contended that the only evidence against the petitioners is their own disclosure statements and the disclosure statements suffered by co-accused. Nothing has been recovered in pursuance of the disclosure statements and the same are thus not admissible in evidence. Out of total 23 witnesses, 19 witnesses have been examined till date and the trial is likely to take some more time to conclude and in view of their prolonged incarceration, petitioners are entitled to be released on bail.

7. On the other hand, learned State counsel has opposed the bail and argued that petitioners have committed a heinous offence and in view of the gravity of offence, they do not deserve the concession of bail.

8. Deceased had allegedly left in the company of petitioners and co-accused as reported by the family members but they never informed the police about disappearance of the deceased from 08.06.2020 till his dead body was identified on 16.06.2020. Rather, the dead body was cremated being unclaimed. It will, thus, be a debatable question during the trial as to whether deceased had left in the company of petitioners or not, which shall be subject matter of trial. The only evidence against the petitioners is their own disclosure statements and the disclosure statements suffered by the co-accused. As to how much evidentiary value will be attached to the disclosure statements shall also be the subject matter of trial. Petitioner Radhey Shyam @ Jhabbu is in



custody since 19.06.2020 while Vishal @ Dhananjay is in custody since 19.02.2021. Out of total 23 witnesses cited by the prosecution, 19 witnesses have been examined till date and trial is, thus, certainly going to take a sufficiently long time to conclude and in view of their prolonged incarceration, further detention of the petitioners is not required and they deserve to be released on bail.

9. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

15.10.2025
Priyanka Thakur

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