



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

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**CRM-M-33736-2024 (O&M)
Date of decision: 25.08.2025**

BALWAN

... Petitioner

Versus

STATE OF HARYANA

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Lekh Raj Sharma, Advocate with
Mr. Abhishek Sharma, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Arjun Dhingra, Advocate for the complainant.

H.S. Grewal, J. (Oral)

1. The present petition has been filed under Section 439 of Code of Criminal Procedure, seeking regular bail in FIR No.187 dated 22.07.2023 under Section 346 IPC, 1860 (Section 302, 201 and 120-B IPC, 1860 added later on) registered at Police Station B.P. T.P., District Faridabad.
2. Status report by way of affidavit of Assistant Commissioner of Police, Central Faridabad on behalf of the respondent-State is taken on record and a copy thereof has been handed over to learned counsel opposite.
3. The case of the prosecution is that the petitioner is alleged to have an illicit affair with Neha-the wife of the deceased Rahul, and the petitioner who is paramour of the said Neha, had strangulated the husband of Neha with a clutch wire and had thrown his body in a canal, and his mobile phone was also



thrown in the bushes. The body of Rahul was recovered from the canal along with a clutch wire wrapped around his neck.

4. Learned counsel for the petitioner contends that the present petitioner who was also friend of the deceased-Rahul, along with the help of Bal Kishan had executed the killing of the deceased-Rahul and threw his body into the canal. He further contends that the father of the deceased while appearing as PW-1 has stated that he was not aware who had murdered his son, but from the CDR of the mobile phone(s), the police came to know that the petitioner- accused has murdered his son. Similarly, PW2-Rohit son of Jai Pal has also stated on the same line during his cross examination. It is also contended that apart from this, even the Investigating Officer appearing as PW-5 has stated that nothing incriminating was recovered from the petitioner and the case set up against the petitioner is mostly based on mobile tower location. He also contends that the petitioner is in custody for the last 02 years and 01 month and he is not involved in any other case. He further submits that out of 29 cited prosecution witnesses, only 06 have been examined so far.

5. Learned counsel for the State by way of filing of custody certificate, vehemently opposes the grant of concession of regular bail. He does not refute the fact that the petitioner is in custody for the last 02 years and 01 month and, that out of 29 cited prosecution witnesses, only 06 have been examined so far.

6. Learned counsel for the complainant vehemently opposes the grant of concession of regular bail to the petitioner on the ground that the petitioner has murdered a young boy and does not deserve to be enlarged on bail.

6. I have heard learned counsel for the parties and have gone through



the material placed on record.

7. Since this is a case of blind murder, there is no clear evidence so as to implicate the petitioner with the alleged crime. As such, keeping in view the above facts and circumstances and the fact that the custody undergone by the petitioner is 02 years and 01 month; that out of 29 cited prosecution witnesses, only 06 have been examined and the conclusion of the trial is likely to take a long time, further incarceration of the petitioner would not serve the ends of justice. Therefore this Court deems it fit to grant the concession of regular bail to the petitioner.

8. Hence, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is granted the concession of regular bail, on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/ Chief Judicial Magistrate concerned.

9. It is however, made clear that in case during his bail, if the petitioner indulges in any offence, the State shall be at liberty to file an application for cancellation of bail of the petitioner.

10. However, nothing expressed hereinabove shall have any effect on the merits of the case.

11. Pending applications, if any, also stand disposed of.

25th August, 2025

Sonia Puri

(H.S. GREWAL)
JUDGE

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