

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:108207



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CRA-S-2448-2025 (O&M)
Date of decision:18.08.2025

Dharampal

... Appellant

Vs.

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhisham Kumar Majoka, Advocate,
Ms. Mansi, Advocate and
Mr. Karan Singh, Advocate for the appellant.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. Instant appeal has been filed by the appellant challenging the order dated 15.07.2025 passed by the Court of learned Additional Sessions Judge, Faridabad in case arising out of FIR No.281 dated 04.06.2023 registered under Sections 323, 364, 302, 120-B IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989, whereby an application for grant of regular bail filed by him had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant-Reema alleging therein that she along with his family members was residing in a rented accommodation at village

Saran. Her brother-Yogesh was also residing as a tenant with her family members, in the same house and her brother-in-law namely, Rinku had been residing with her. Both Rinku and Yogesh used to do work of fixing tiles. She alleged that on the evening of 03.06.2023, her brother-Yogesh and brother-in-law Rinku told her that they were telephonically called by one Asim at his shop situated at New Janta Colony, Dabua Road as he had some work for them. Both of them had left the house but did not return till late. At about 11 pm, Rinku made a call to her husband informing that Yogesh and himself had been abducted by the abovesaid Asim who had taken them towards Ballabgarh on the pretext of showing the site. He also informed that the above said Asim and his accomplices had physically assaulted him and Yogesh and had taken them in a vehicle to Khurja (U.P.). Rinku had somehow, saved himself by jumping from the vehicle but Yogesh was still in custody of abductors.

3. After registration of the FIR, investigation proceedings were initiated. During investigation, the co-accused Shmim Malik and the Asin @ Aasin were arrested from Khurja on 04.06.2023. On their identification two other accused namely, Kalu Kumar and appellant were also arrested on the same day. The appellant and other accused suffered disclosure statements to the effect that they had killed Yogesh and had buried his dead body under the sand. Offences under Sections 302 and 201 of IPC were added. Appellant Dharampal and Kalu Kumar got the dead body of Yogesh recovered from village Rajwaha, District Bulandshahr, U.P. and the same was identified by his family members. Post mortem examination and inquest proceedings were conducted. The present appellant was arrested on

05.06.2023. Co-accused were arrested subsequently. The statements of victim Rinku and Ramesh Chand father of deceased-Yogesh were recorded. Offences under Sections 323, 364 of IPC and Section 3(2)(va) of SC/ST Act were added. Investigation now stands concluded and the appellant along with co-accused is facing trial for commission of offences punishable under Sections 302, 323, 201, 364 read with Section 3(2)(va) of the SC/ST Act. The appellant had filed an application for grant of regular bail which was dismissed by the trial Court vide order dated 15.07.2025 and feeling aggrieved, present appeal has been filed.

3. It is argued by learned counsel for the appellant that he has been falsely implicated in this case on disclosure statements of co-accused which cannot be considered to be admissible in evidence. No specific injury on the body of the deceased has been attributed to him. The complainant, her husband and eye witness have already been examined and have not implicated the appellant in the subject crime. He is in custody since long. The trial will take considerable time to conclude as only 03 out of 40 witnesses have been examined. Co-accused Amit @ Raju and Samim Malik have been extended the benefit of bail. On parity, he too, deserves to be extended the same benefit. While passing the impugned order, the Court of learned Additional Sessions Judge did not take all these points into consideration. It is, therefore, urged that the appeal deserves to be allowed and the impugned order is liable to set aside and he deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the appeal and is

ready to argue the matter. It is submitted by her that there is no illegality or infirmity in the impugned order. The allegations against the appellant are serious in nature. It is submitted that the appellant hatched a conspiracy with the co-accused in pursuance of which the accused Amit @ Raju, Asin and Aasin and Samim Malik were hired as contract killers, they abducted victims Yogesh and Rinku and had taken them to Khurja where murder of Yogesh was committed. It is, therefore, urged that the appeal does not deserve to be allowed.

6. Rival submissions of the parties have been heard.

7. The appellant and the co-accused are alleged to have hatched a conspiracy in pursuance of which the victims Yogesh and Rinku had been abducted on 03.06.2023. Victim Rinku had managed to flee but Yogesh is alleged to have been killed by co-accused, Amit @ Raju, Asin @ Aasin and Samim Malik. The material witnesses, namely, Rinku, who was an eye witness as well as one of the victims of the occurrence has since been examined. Copy of his sworn deposition has been placed on record. The same shows that he did not implicate the appellant and other co-accused in the commission of subject offences. Even PWs Reema and Malkhan Singh, who were also the material witnesses have not deposed anything against the appellant. The appellant was not named in the FIR. He is in custody since 05.06.2023. Keeping in view the nature of offence that has come on record in the form of testimonies of the above named three witnesses, the fact that no specific overt act has been attributed to the appellant and the allegations against him are of hatching a conspiracy and about no active participation in the commission of subject offences, the period of incarceration of the

appellant and the attendants facts and circumstances, this Court is of the opinion that a case is made out to extend benefit of bail to the appellant. Accordingly, the appeal is allowed and the appellant is ordered to be released on bail during pendency of the trial subject to his furnishing personal as well surety bonds to the satisfaction of the trial Court.

8. It is, however, clarified that nothing discussed above shall be considered to be an expression of opinion on the merits of the case. Further, in case, the appellant is found to be involved in any other offence, the respondents are at liberty to seek cancellation of bail in this case.

9. This order shall come into force from the time it is uploaded on this Court's official webpage.

18.08.2025

harjeet

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No