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

CRA-S-3016-2024

Date of Decision:22.05.2025

RACHIT ALIAS SITU

...APPELLANT

VS.

STATE OF HARYANA AND ANR.

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present :- Ms. Parul Saini, Advocate
for the appellant.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Pawan Kumar Hooda, Advocate
for respondent No.2-complainant.

N.S.Shekhawat J. (Oral)

1. The appellant has filed the present appeal against the impugned order dated 12.08.2024 passed by the Court of Additional Sessions Judge, Panipat, in case FIR No.375 dated 02.10.2023, under Sections 302, 201, 365, 34 IPC & 3(2)(VA) of SC/ST Act, registered at Police Station Sector 13-17, District Panipat, whereby the application for grant of regular bail, filed by the appellant was ordered to be dismissed.

2. Learned counsel for the appellant submits that initially the FIR was registered against unknown persons and no suspicion was raised on anyone. During the course of investigation, the police is stated to have recorded the



supplementary statement of the complainant namely Rajpal on 05.10.2023 to the effect that the present petitioner alongwith his co-accused, Sahil had committed the murder of Saurabh Nagpal. He further submits that it was alleged that about 10 days prior to the incident, there was a dispute between the Saurabh Nagpal, since deceased and the accused in the present case and due to the said enmity, Saurabh Nagpal has been killed by the accused. He further contends that even as per the alleged CCTV footage, only Sahil, co-accused has been seen walking with Saurabh Nagpal and the appellant was not seen with the deceased prior to the occurrence. He further contends that it has been falsely alleged that the present appellant was in touch with Sahil, co-accused and it cannot be construed as evidence to connect with the commission of crime. In fact the appellant was in touch with Sahil, being a co-villager and no inference can be drawn against him. He further contends that except the supplementary statement, made by the complainant, there was no other clinching evidence to connect him with the commission of crime and now with the help of call details, a false case has been planted on the present appellant. He further contends that the case of the appellant is on different footing than Sahil, co-accused who was clearly visible in the CCTV footage, immediately prior to the occurrence. The petitioner was arrested in the present case on 05.10.2023 and is in custody for the last more than 01 year and 07 months. Even after such a long custody, the prosecution has not been able to examine even a single witness so far. Further, there is no evidence to show that the appellant is in a position to influence the witnesses of the prosecution.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by



learned counsel for the appellant on the ground that the appellant and Sahil had brutally killed Saurabh Nagpal due to previous enmity and even his hand and leg were chalked off. Learned counsel further contend that there were exchange of calls between the appellant and Sahil, co-accused and both had actively participated in the commission of crime.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, the present appellant is stated to be in custody for the last more than 01 year and 07 months. The challan has already been presented against him and there is no likelihood of early conclusion of the trial as no witness has been examined by the prosecution. Moreover, the prosecution is yet to lead evidence before the trial Court to prove the involvement of the appellant in the crime.

6. Without commenting on the merits of the case, the present appeal is allowed. The appellant is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The appellant shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The appellant shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.



(iv) The appellant shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The appellant shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the appellant is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the appellant.

(viii) The appellant shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

7. In case, the *appellant* violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

22.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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