



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

321

CRM-M-22320-2025

Date of decision: 25th July, 2025

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Neeru Bansal, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in a case bearing FIR No. 43 dated 21.04.2024 registered under Sections 201 and 302 of IPC (Sections 34 and 120-B of IPC added during investigation) at Police Station P.S. Moohana, District Sonipat, Haryana.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Raj Singh, Sarpanch of village Bohla, District Sonipat, alleging that Rohit s/o Jai Parkash, who was a co-villager had died on 21.04.2024. He was informed that the death had occurred due to falling down from stairs. He along with other villagers had attended the cremation ceremony of Rohit but now he had come to know that the death of Rohit had occurred due to injuries sustained at the hands of



his father Subhash. After registration of FIR, investigation proceedings were initiated. The burning pyre was cooled by sprinkling water, and the half burnt body of the victim was taken from the same. Post-mortem examination of the body was done. Statements of some persons were recorded under Section 161 of Cr.P.C.. On 24.04.2024, the co-accused Jai Parkash was arrested. He suffered disclosure statement admitting his involvement in the murder of the victim and demarcated the place of occurrence. He also got recovered a *parna* (piece of cloth) used by him for the purpose of strangulating the victim. A leg of woven cot, which had also been used, was recovered. The co-accused Vijay and petitioner were arrested on 25.04.2024. The petitioner also suffered disclosure statement admitting his participation in the crime after hatching a conspiracy with the co-accused Jai Parkash and Vijay, and disclosed that they had attempted to assault the victim on the night of 20.04.2024 when he had come back to his house but at that time, the victim managed to flee and save himself. Then on the same night, they had encircled him in front of hutment of co-villager Rajesh and had assaulted him. He disclosed that he had caught hold of the victim, whereas the co-accused Jai Parkash and Vijay had strangulated him with the help of *parna* and they had also caused injuries to him with the leg of woven cot and one wooden stick. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No



recovery has been effected upon him. The complainant i.e. PW5-Raj Singh and other material witnesses including the wife of the deceased have not implicated him in commission of subject offences. Trial is likely to take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner and hence, no case for his release on bail is made out. Therefore, it is stressed that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner by hatching a conspiracy with the co-accused is alleged to have assaulted the victim on the fateful night and he is alleged to have caught hold of the victim who had died a homicidal death. However, neither the complainant nor material witnesses i.e. PW-2 Balbir Singh, PW-3 Sumitra and PW-9 Sarita are shown to have supported the prosecution version. PW-5 Raj Singh and PW-9 Sarita (wife of the victim) are shown to have deposed that the victim had died as a result of the injuries sustained by him due to falling down from staircase, whereas, PW-5 Raj Singh i.e. complainant also resiled from the contents of the complaint submitted by him before the police and stated that he did not know anything about the case. He had heard that the victim had died due to injuries sustained by him after falling from staircase. Even PW-4 Satish has not supported the prosecution version. Given the nature of the evidence which has come on record in the form of testimonies of the material witnesses, this Court is of



the considered opinion that a case for release of petition on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

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

[MANISHA BATRA]
JUDGE

25th July, 2025
Parveen Sharma

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| <i>1. Whether speaking/ reasoned</i> | : | <i>Yes / No</i> |
| <i>2. Whether reportable</i> | : | <i>Yes / No</i> |