

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-34729-2025
Reserved on: 8th October, 2025
Pronounced on: 15th October, 2025**

Naveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

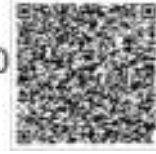
Present: Mr. Rishi Pal Chaudhary, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

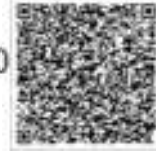
The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 526 dated 03.10.2022 registered under Sections 365, 377 and 394 read with Section 34 of IPC at Police Station Sadar Jind, District Jind.

2. As per the allegations, on the morning of 03.10.2022, dead body of one unknown youth was found lying in the fields of the complainant Davinder. When he reached there, branch of some tree had been found to be inserted in the anus of the dead body and injuries were sustained on its head also. After registration of FIR against unknown person, investigation proceedings were initiated. Post mortem examination and inquest proceedings were also conducted. During the course of investigation, the dead body was identified to be that of victim Pawan Singh, resident of



village Chami, District Almora (Uttarakhand). The IMEI of the cell phone of the deceased was put on surveillance by the cyber cell. On 03.10.2022, the report of cyber cell was received as per which, the SIM of his mobile phone was found to be in working condition. On making further investigation, the ID of the mobile phone was obtained and it was found to be in the name of the present petitioner who was arrested on 12.10.2022. He was interrogated and suffered disclosure statement that he along with the co-accused Mohd. Nazim and Monu Thakur had hatched a conspiracy to sexually assault the victim and had taken him in his auto rickshaw on the pretext of arranging a room for him in a hotel. He was confined by them, was assaulted physically as well as sexually by all of them, his phone was snatched and thereafter, he was killed by them by causing injuries to him and by inserting a branch of tree in his anal portion. Offences under Sections 365, 377 and 394 read with Section 34 of IPC were added. The co-accused were also arrested. Presently, 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. He was not named in the FIR. There is no eye-witness to the occurrence. He is a poor person plying an e-rickshaw in the vicinity from where the dead body of the victim was found. He has been in custody since long. There is no circumstance to connect him with the crime. The offence under Section 394 of IPC is not made out as no dacoity/robbery is proved to have taken place since an amount of Rs. 3300/- was recovered from the bag of the victim which was found on the place of occurrence itself. Trial is likely to take considerable time to conclude as only

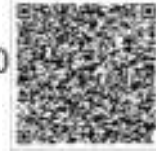


nine out of twenty-seven witnesses have been examined so far. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel in terms of the status report has argued that there are serious allegations against the petitioner. The SIM of the mobile phone of the deceased was found to be in use by the petitioner which connects him with the subject crime. He has failed to explain any reason for being in possession of the said SIM card. Trial is going on. Prolonged incarceration of the petitioner is not a ground to extend benefit of bail to him. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to have physically and sexually assaulted the victim, robbed him of his mobile phone and SIM card and further alleged to have killed him by causing injuries to him and then by inserting branch of a tree in his anal portion. The allegations against the petitioner are serious in nature. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the gravity of the allegations, the



quantum of sentence for which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th October, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*