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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Rakesh

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 07.07.2026**Date of Uploading : 07.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Rajesh Bansal, Advocate with
Mr. Naveen Nandal, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.
Mr. Rajesh Goyal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No.333 dated 10.10.2025, registered for the offences punishable under Sections 109(1), 115, 118(1), 190, 191(3), 333, 351(3) of BNS read with Section 25 of the Arms Act and Sections 103(1), 3(5) of BNS, 2023 (added later on) and Sections 190, 191(3) of BNS (deleted) at Police Station Matlauda, District Panipat.

2. The gravamen of the FIR reflects that the complainant namely Bhim Singh has alleged that he was having Shop No.35 at Grain Market, Matlauda and stated that his son namely Shubham was a close friend of Ajit. A dispute had arisen between Ajit and co-accused Jitender Kumar alias Baba. In order to settle the dispute, a Panchayat was convened at the shop of

the complainant on 09.10.2025. During the course of such meeting, accused

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-Jitender Kumar Baba, Surender, Rakesh (petitioner herein), Naveen, Micky and other associates arrived at the spot. As the discussions were going on at the first floor of the shop, suddenly a violent altercation ensued. The complainant has alleged that the accused Surender had attacked Ajit and Vikas with a knife. When the complainant tried to intervene, accused Jitender Kumar Baba fired gunshot at him which hit on his left shoulder. Thereafter accused Jitender Kumar fired many gun shots upon them. In the meantime, many shopkeepers/labourers arrived at the scene of occurrence upon which all the assailants/accused fled from the spot. The injured were taken to hospital. On these set of allegations, the FIR in question came to be registered. Subsequently, Vikas Kumar succumbed to his injuries, leading to addition of the offence of murder.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that no specific injury has been attributed to the petitioner in the FIR in question and the main allegations are against co-accused Surender and Jitender Kumar Baba respectively. It has been further contended that even as per the allegations contained in the FIR, the role attributed to the petitioner is limited in nature and no injury on any vital part of the body has been attributed to him. It has been further contended that no weapon has been recovered from the petitioner and there is no forensic evidence which connects the petitioner with the fatal injuries suffered by the deceased. According to learned counsel, the incident in question arose on account of sudden altercation between two groups and a cross-version has also been registered. It has been further argued that the entire prosecution



collected by the investigating agency. Learned counsel has pointed that the petitioner is stated to be in custody since 25.10.2025; investigation stands concluded and challan has already been presented before the competent Court of jurisdiction. Since the conclusion of the trial is likely to take considerable time, therefore, no useful purpose would be served for continued incarceration of the petitioner. It has been further asserted that the petitioner undertakes to abide by all the terms and conditions that may be imposed by this Court while granting the concession of regular bail. On the strength of these submissions, the grant of regular bail is entreated for.

4. *Per contra*, learned State counsel has opposed the present petition by arguing that the petitioner has been specifically named in the FIR with a clear and active role in the occurrence. According to learned State counsel, the petitioner is a part of an unlawful assembly armed with deadly weapons and has actively participated in the assault on the complainant which ultimately resulted in the death of one person. Referring to reply dated 20.05.2026, filed by way of affidavit of Atma Ram, Deputy Superintendent of Police, Panipat-II, learned State counsel has iterated that the petitioner was a part of the unlawful assembly and the manner in which the occurrence took place clearly demonstrates the common intention of all the accused persons, relevant whereof reads as under:

“4. Role of Petitioner:- He accompanied Jitender @ Baba, Surender @ Sundar and others to Grain Market, Matlauda for the proposed Panchayat/settlement meeting relating to dispute between Ajit @ Jeeta and Jitender @ Baba. Before reaching the spot, he allegedly participated in discussions wherein it was decided that if Ajit @ Jeeta and his companions did not apologize, they would teach them a lesson. During the altercation in the room above Shop No. 35, he allegedly participated in the fight and admitted that he, along with others, caught hold of Ajit @ Jeeta and Vicky Gujjar and kicked them. During the scuffle, co-accused



Jugjeet Sandhu picked up the parkhi loha and repeatedly assaulted Vikas @ Vicky Gujjar. After the firing by Ajit @ Jeeta, Rakesh stated that he, along with others, overpowered Ajit @ Jeeta and threw him onto the adhti's seat. Thus, the role attributed to Rakesh is primarily participation in the unlawful assembly/fight, allegedly assaulting members of the opposite side, being part of the group that restrained Ajit @ Jeeta after the firing and participation in the events leading to the occurrence."

Raising submissions in tandem with the aforesaid reply, learned State counsel has further submitted that after completion of the investigation, the challan against the petitioner stands presented before the competent Court of jurisdiction. Considering the gravity of the offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the



administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

*"14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.



*c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram GovindUpadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**)*

This Court also in specific terms held that :

“the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

7. Indubitably, the allegations against the petitioner are grave in nature. The material which has come on record, at this stage, *prima facie* discloses that the occurrence was not a sudden act but an incident involving a group of accused persons who have assembled at the place of occurrence and have allegedly assaulted the members of the opposite side leading to the commission of the offence. Although the petitioner may not be attributed the specific act of inflicting the fatal injury but the prosecution case is that he was part of the unlawfully assembly/fight which acted with a common object and participated in the events leading to the occurrence. The question with regard to exact nature and extent of his participation would be a matter to be ratiocinated upon during the course of trial after appreciation of evidence and cannot be conclusively determined at the stage of



consideration of regular bail. The plea raised on behalf of the petitioner that no weapon has been recovered from the petitioner and that the overt acts are attributed to co-accused persons, also does not persuade this Court to grant the concession of regular bail in the peculiar facts/circumstances of the case. In offences involving unlawful assembly and common object, individual liability cannot be assessed solely on the basis of the injury attributed to a particular accused. The prosecution version, at this stage, indicates collective participation in an occurrence which resulted in the death of a person and injuries to others. This Court is also mindful of the gravity of the allegations. The incident resulted in the loss of human life and involved the use of deadly weapons. The seriousness of the offence, the manner in which the occurrence is alleged to have taken place are the factors which weigh heavily against the petitioner. The evidence is yet to be tested during trial and none of the prosecution witnesses out of total 37 witnesses have been examined. Therefore, the apprehension expressed by the prosecution regarding the possibility of influencing witnesses cannot be brushed aside at this stage. The seriousness of the allegations, coupled with the specific role attributed to the petitioner, weighs heavily against the grant of bail. Though the petitioner has been in custody since 25.10.2025 and the challan has already been presented but these factors by themselves are not sufficient to dilute the gravity of the offence alleged against him.

8. It is apt to mention herein that the offence(s) in question have a serious impact on the Society at large. The intensity and the nature of injury on the person of the victim *prima facie* reflect a complete disregard of human life on the part of the petitioner. At this stage, no accentuating circumstances have been made which may *prima facie* constitute a



compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused.

9. Considering the gravity of the offence, the specific role attributed to the petitioner and the likelihood of his influencing the prosecution witnesses, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

July 07, 2026
Ajay

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