



CRM-M-35211-2024

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

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CRM-M-35211-2024

Date of decision: 11th December, 2024

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Dr. Pankaj Nanhera, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 281 dated 30.05.2023 registered under Sections 148, 149, 323, 324, 325, 307, 341 and 506 of IPC, 1860 (offence under Sections 302 and 201 of IPC added later on) at Police Station Adarsh Nagar, District Faridabad, Haryana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 29.05.2023, the petitioner along with the co-accused formed membership of an unlawful assembly and in prosecution of common object of that assembly, assaulted the victim-Javed and the injured Pankaj with blunt as well as sharp edged weapons. One stab injury sustained by the victim Javed had turned fatal and caused his death, whereas the injuries sustained by the injured Pankaj were opined to be dangerous of life. Two more persons namely Santosh and Antil also sustained injuries. The petitioner had been arrested on 04.06.2023. Investigation has since been

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completed and challan stands presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There are general and omnibus allegations against the petitioner as well as co-accused. Contrary to the prosecution version, only one injury had been found on the dead body of the victim Javed, which was a stab wound. Recovery of knives has been effected from co-accused Aman Nagar and Vinod. Co-accused Vinod and other accused have been extended benefit of bail. The members of the complainant party have made material improvements in their statements. He was not named as the person who had caused injury with knife, to the victim. Trial is likely to take time. His further detention would not serve any useful purpose. His case is on parity with the co-accused Love Kush, Atul, Rahul Sharma, Sunil and Yash who have been extended benefit of bail. Accordingly, it is urged that he too deserves to be released on bail.

4. Status report has been filed by respondent-AAG, Haryana. It is argued by learned AAG, Haryana that there are serious allegations against the petitioner since it was on his instigation/at his behest, that an unlawful assembly had been formed by the co-accused including himself and the victims had been assaulted. He was the person who had initially pulled out injured Santosh from his car and opened assault. He was an active participant in the occurrence. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned AAG, Haryana at considerable length and have gone through the record



carefully.

6. The petitioner along with the co-accused is alleged to have formed an unlawful assembly and in pursuance of common object at that unlawful assembly, the victims had been assaulted and homicidal death of victim Javed was caused. Recovery of weapons and the vehicle used at the time of offence has been effected from the petitioner. His presence at the spot and active participation in the occurrence, has been established during the course of investigation. No doubt, as per the post-mortem report one injury caused by sharp edge weapon had been found on the dead body which was the cause of death and the question that such injury had been inflicted by the petitioner is to be assessed on the basis of evidence produced at the trial, however, keeping in view the nature of the allegations as levelled against the petitioner which point out him to be a precipitator of the crime, the part attributed to him, coupled with the fact that one person lost his life in the occurrence, whereas one sustained injuries dangerous to life and two more persons sustained injuries, his case cannot be stated to be at parity with the case of the co-accused. As such, in the considered opinion of this Court, the petitioner does not deserve to be released on bail. Accordingly, the petition is dismissed.

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

[MANISHA BATRA]
JUDGE

11th December, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No