

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48509-2024
Reserved on: 07.11.2024
Pronounced on: 12.11.2024

Sahil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
843	02.10.2022	Samalkha, District Panipat	302/120-B/148/149 IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 30 of the bail application and the status report/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated/year	Offences	Police Station
1	755	2022	148/149/323/506/201 IPC	Samalkha, Panipat
2	309	23.04.2022	148/149/323/506 IPC	Samalkha, Panipat

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“(i) That on 02.10.2022, ruqa was received from Government Hospital, Samalkha that Manoj S/o Ajit has been brought dead in the Hospital. On receiving ruqa, police party reached at Government Hospital, Samalkha where Bijender S/o Deep Chand (uncle of deceased) presented a written complaint. The contents of the complaint are as follows:-
"To, SHO, PS Samalkha Respected Sir, I. Bijender S/o Deep Chand and I am resident of Kuhar Pana, Samalkha. I

am an agriculturist. On 01.10. 2022 in the afternoon my nephew, Manoj Sio Ajit Rio Kuhar Pana told me that on 30.09.2022, during 'Ramlila', Himanshu S/o Rakesh, Sahil and Rustam etc. abused me and that on 01.10.2022 me and my nephew Sagar s/o Karambir, both of us after watching 'Ramlila' were going to our house through Bhadbhuja Gali. After going a long distance in the Gali at about 10:30 P.M. some persons were beating my nephew Manoj Sio Ajit. When I and Sagar raised our voices, Himanshu @ Ishu sio Rakesh stabbed Manoj on his sides and waist with a knife which was in his hand, then Sahil s/o Randhir stabbed Manoj with a knife on his waist, then Romi struck Manoj on his hands with knife and then Rustam @Chota struck Manoj with a Ice Pick (Sua) and even others beat Manoj. That Sagar and I tried to catch them but everyone flew with their weapons who threatened that whoever comes in between will be murdered. Sagar and I took Manoj on motorcycle and admitted him in the Govt. Hospital Samalkha where Doctor declared Monoj as brought dead. Himanshu@ Ishu, Sahil s/o Randhir, Romi grandson of Randhir, Rustam @ Chota (s/o maternal uncle of Ishu) and some other residents of Balmiki Basti, Samalkha have murdered Manoj and that strict action should be taken, against them."

On the basis of said complaint and nature of crime, a formal FIR No. 843 dated 02.10.2022 under sections 302, 148, 149 and 506 of IPC (Section 120-B of IPC and Section 25 of Arms Act were added later on), was registered at P.S Samalkha, District Panipat."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

9	Sahil S/o Randhir (Petitioner)	08.10.2022	He is named in FIR, statement of complainant dated 04.10.2022	He gave knife blows in the waist of the deceased	knife
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"3. That the role of the petitioner is that he is specifically named in the FIR. On 30.09.2022, co-accused Himanshu had verbal arguments with the deceased, and they had exchanged abuses with each other during the event of Ramlila. Thereafter, the deceased left from there, as the accused persons had threatened him to kill if he did not leave from there. On 01.10.2022, co-accused Himanshu and deceased again met at Golden Park, Samalkha, where they had verbal arguments with each other; whereupon the petitioner and other co-accused conspired to kill the deceased when he will arrive at the event of Ramlina. In pursuance thereof, they went to the event along with weapons, and

when the deceased arrived at the event, they started to surrounding him, whereupon the deceased started running away to save himself. However, the accused persons caught him at some distance and started stabbing him with their respective weapons. The petitioner was armed with hidden knife (dagger) and he gave its blow on the waist of the deceased. As a result, the deceased fell on the ground, whereupon co-accused Krish took the knife from the petitioner and stabbed the deceased on his chest, and the deceased succumbed to his injuries on the spot. The petitioner has confessed to his role in crime and got demarcated the crime spot in pursuance of his disclosure statement and also got recovered knife used by him in the commission of crime as per his disclosure statement, Annexure R-2."

7. Two of the star witnesses of the prosecution, namely PW-1 Bijender, uncle (Chacha) of the deceased, and PW-2 Sagar, cousin of the deceased, did not support the prosecution and were declared hostile. However, a specific injury was attributed to the petitioner, and the prosecution's evidence is not yet over.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. Regarding the delay in the trial, given the nature of the injury attributed to the petitioner and the minimum sentence provided, which is imprisonment for life, the petitioner is not entitled to bail at this stage because of current pre-trial custody.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

12.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.