



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

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CRM-M-500-2025

Date of decision: 08.05.2025

Rocky through his mother

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Grover, Advocate with
Ms. Charu Sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.191 dated 25.06.2023 under Sections 147, 148, 149, 341, 201, 302, 120-B of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has been languishing in custody since 26.06.2023. While drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1, it has been submitted that although the petitioner has been named therein, however, the petitioner has been attributed only fist and kick blows on the person of deceased Ravi Kumar; the fatal injuries with



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knife have been attributed to co-accused Sandeep @ Shipi. Learned counsel has further submitted that all the material witnesses, including the complainant and some eye witnesses, have been examined, however, 27 prosecution witnesses still remain to be examined. Hence, the possibility of the trial concluding in the near future does not arise. A prayer has, therefore, been made to accept the prayer of the petitioner and enlarge him on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed that the complainant along with some other eye witnesses have been examined. Learned State counsel, on further instructions, however, submits that a few more material witnesses remain to be examined.

4. On a specific query, learned State counsel has not been able to controvert the factual aspect of the role attributed to the petitioner in the occurrence in question nor has he been able to controvert that the fatal injuries on the person of the deceased have been attributed with a knife to co-accused Sandeep @ Shipi, who is still in custody. In addition, learned State counsel has brought to the notice of this Court that the complainant while stepping out the witness box, had reiterated the allegations levelled in the FIR in question which stands reproduced hereinunder and had identified the petitioner as being one of the persons who had accompanied the prime accused Sandeep @ Shipi to the place of occurrence:-



“12. Nitin Patel S/O Bhola patel S/O Ram Sagar resident of village Dhanemau Police Station Juniya tehsil Bandki District fatehpur Uttar Pradesh House no. 232 Model Town near Ram Park Ratia aged 20 years Mb no. 8009674349 stated that I am a resident of the above mentioned address and I do the work of white wash the houses. The boy of my village Ravi Kumar S/O Raju S/O Prabhudayal, Rajendra Kumar s/o Babu s/o Ganga Ram, Bimal s/o Luv Kush s/o Sh. Pal resident of village Dhanemau Police Station Juniya tehsil Bandki District fatehpur Uttar Pradesh, now residing at House no. 232 Model Town near Ram Park stays with me and we all work with Pawan Kumar Contractor. On dated 24.06.2023 we all were inside the house and were making the food. At 10 pm in the night Ravi Kumar went outside the house and after sometime from the mobile number 8087586281 of Ravi Kumar phone call came on my mobile 8009674349 and he told that some boys are fighting with me. After listening to the phone call I ran towards Ravi Kumar and I saw that Rocky s/o Kattaram, Anmol @ Bhola s/o Sema Ram, Sandeep @ Shipi s/o Sukha Ram resident of Peeru Ram Colony ward no. 10 Ratia and 7/8 boys surrounded Ravi Kumar and was beating him. Sandeep @ Shipi had a knife and was stabbing Ravi Kumar with knife again and again. I am acquainted with them and I can identify rest of the boys. After me Rajendra Kumar and Bimal also came. When we shouted then they all ran away. When we reached near Ravi Kumar we saw that knife was stabbed in his stomach. We all took Ravi Kumar to the Governement Hospital Ratia on the motorcycle. Where the doctor declared him dead. Ravi kumar is murdered by injuring him by Rocky s/o Kattaram, Anmol @ Bhola s/o Sema Ram, Sandeep @ Shipi s/o Sukha Ram resident of Peeru Ram Colony ward no. 10 Ratia and 7/8 boys. Legal action should be taken against Rocky s/o Kattaram, Anmol @ Bhola s/o Sema Ram, Sandeep @ Shipi s/o Sukha Ram resident of Peeru Ram Colony ward no.10 Ratia and 7/8 other boys and take legal action against accused.”

5. Learned State counsel, on further instructions, has submitted that the next date fixed before the learned Trial Court is 20.05.2025 when some of the remaining 27 witnesses are likely to be examined.

6. I have heard learned counsel for the parties and perused the



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material placed on record.

7. Although the petitioner has indeed been named in the FIR in question and also attributed fist and kick blows on the person of the deceased, fatal injuries have concededly not been attributed to him but to co-accused Sandeep @ Shipi who allegedly inflicted repeated knife blows on the abdomen and chest of the deceased. The petitioner has been in custody since 26.06.2023, however, the possibility of the trial concluding in the near future does not arise with almost 27 prosecution witnesses remaining to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

08.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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