



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

CRM-M-3223-2025

Reserved on: 7th March, 2025

Pronounced on: 11th March, 2025

Rahul @ Nanha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ajay Bansal, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, 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. 26 dated 14.01.2023 registered under Sections 302 and 341 read with Section 34 of IPC and Section 25 of Arms Act (Sections 120-B, 201 and 216 of IPC and Section 42 of Prison Act were added later on) at Police Station Gohana City, District Sonapat.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the complaint lodged by Subhash on 14.01.2023, alleging that on the same day at about 12:00 PM, his younger brother Azad i.e. the victim had gone towards his fields alongwith his nephew Vinod. They were on a platina motorcycle.



They were intercepted by two unknown youths, who came on motor bikes. They fired shots with pistol and injured the victim thereby killing him. Vinod had somehow saved his life by running and hiding himself in the fields. The assailants fled by leaving their motorcycle at the spot. The said motorcycle was taken into custody. Investigation proceedings were initiated. During investigation, the statement of one Parveen was recorded who disclosed that the assailants had got repaired the tyre of their motor bike on 13.01.2023. The CCTV footage of his place was also given by this witness to the police.

3. As per further allegations, the accused Manish @ Kuku who was already lodged in custody in connection with some other case, was joined into investigation in this case on 13.02.2023. He suffered disclosure statement admitting the factum of hatching a conspiracy with the petitioner and co-accused and Sumit @ Pinni to commit murder of the victim Azad to take revenge for the murder of his maternal uncle and also disclosed that the victim was eliminated, with the help of co-accused Vicky and Sandeep @ Chhota. He also disclosed about having used a mobile phone for the purpose of hatching conspiracy with the co-accused and about destroying the said phone afterwards. On the basis of his statement, the co-accused Sandeep @ Chhota Saini was nominated as such. The petitioner and co-accused Amit who were also in custody in some other case, were also nominated as accused on the allegations that they were part of the conspiracy hatched by co-accused Manish @ Kuku, Sandeep @ Chhota and Sumit @ Pinni. The petitioner was joined into investigation on 15.04.2023 and was formally arrested. He suffered disclosure statement admitting to be a part of that



conspiracy. The co-accused were also arrested subsequently. Investigation stands completed and the petitioner along with co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 15.04.2023. He was not named in the FIR. There is no direct evidence to the murder of the victim. He was admittedly lodged in jail at the relevant time. No evidence about his hatching conspiracy with the co-accused has been collected during trial. The co-accused Arman @ Gulfam and Parveen have since been extended benefit of bail. Trial is likely to take time. Out of 44 prosecution witnesses not even a single witness has been examined so far. The only role attributed to the petitioner is qua hatching conspiracy qua which there is no evidence. No recovery has been effected from him. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be ground to deny benefit of bail to him. Therefore, it is urged that he deserves to be released on bail.

5. Status report has been filed by respondent-State. Learned Assistant Advocate General, Haryana has argued that there are serious allegations against the petitioner. He has criminal antecedents. He hatched conspiracy with the co-accused while being in custody in some other case. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.



7. The petitioner is alleged to have hatched a conspiracy with the co-accused Manish @ Kuku, Amit @ Ankit and Sumit @ Pinni, while he was lodged in jail in connection with some other case, along with them. In pursuance of the said conspiracy, the co-accused Vikas @ Vicky and Sandeep are alleged to have committed the murder of the victim. The petitioner is also alleged to have harboured the escape of the co-accused Vikas @ Vicky and Sandeep in connivance with co-accused Deepak. The allegations against him are serious in nature. Trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the gravity of the allegations as levelled against the petitioner, quantum of sentence 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 petitioner does not deserve to be released on bail. Hence, the petition is dismissed.

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

[MANISHA BATRA]
JUDGE

11th March, 2025

Parveen Sharma

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

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