

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3962-2025 (O&M)

Date of Decision: 06.05.2025

Indraj

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. S.K. Tripathi, Advocate for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Sandeep Moudgil, J.

Relief claimed

(1). The jurisdiction of this Court has been invoked for the third time under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.93, dated 23.03.2022, under Sections 148, 149, 302, 307, 427, 452, 506, 212, 201, 120-B IPC and Sections 25 & 27 of Arms Act, registered at Police Station Sadar Palwal, District Palwal.

Facts

(2). Facts as emerging in the FIR is reproduced as under:-

“To, Chowki Incharge Police Post Deeghot, District Palwal. Sir, it is requested that I am Akash son of Rajesh, resident of Dighaut, District Palwal, we are two brothers, Yashbir is my elder brother, of our family members Surender son of Rajender, Govind son of Gangacharan, Yogesh alias Tinku son of Gugal, resident of Dighot and Anand, resident of Dakora, who seems to be Surender's brother-in-law and has been fighting with him for many yeas: Those who Surender etc. were holding a grudge against us regarding this. matter, who had threatened us many times that if we got a chance, we would destroy your family,

keeping the grudge on this matter, Surender, Govind, Anand, Tinku conspired to destroy our family, Tekchand resident of Khedi, Neeraj. Pandit, resident of Faridpur, District Faridabad, Jagga resident of Chandhat, he is a villain type of man and is responsible for many murders and are criminals of robbery and dacoity and they have made a name for themselves by committing crimes and together they gave money to destroy our family and Tekchand etc. took money from Surendra etc. to kill us. Kailash's brothers. Pratap and Mahesh, resident Alawalpur dealer, resident Balai and along with him four unknown persons, yesterday on 22.03.2022 at around 12:00 noon, when I was standing at the wall of my uncle Dinesh's Nohra, that Kailash, Pratap, Mahesh, resident of Alawalpur, dealer resident of Balei and the names of four others, I don't know, came to our house in Nohra, my brother Yashbir and sonu son of Satbir, resident of Dighot, Sarfaraz son of Farcog resident of Dhinki, Hathin Engineer, Jaiveer son of Karan Singh R/o Korali who was the contractor because we were constructing a new house at Nohra had come to see him were Kailash, Pratap. Mahesh, the dealer and along with him four unknown names, all of whom had pistols in their hands and started firing from outside also. I immediately moved from the wall to the roof and everyone came from front to back firing bullets and hearing the sound of the bullet, Yashbir closed the door from the other side, they. all broke the door and started firing indiscriminately at my brothers Yashbir, Sonu, Sarfaraz and Jaiveer sitting inside. After firing for a long time, they started saying that if any one of you survives today, they will kill you, when Kailash etc. started firing indiscriminately again, my brother Yashbir got hit by several bullets and Sarfaraz and Tasveer were also shot, my mother Gayatri Devi also came to the spot after hearing the sound of bullets, Kailash and others also fired bullets at my mother, she also narrowly escaped, after their departure Vikas son laggar, Kishan's son Dayaram also came at the right time and with their help, I put Yashbis, Sarfaraz, Jaiveer in my car and first referred Yashbir to Apex Hospital, Palwal, Doctor Saheb referred Yashbir to Sarvodaya Hospital, Faridabad. Leaving Sarfaraz and Jaiveer for treatment, we Drought Yashbir to the hospital from Sarvodaya Hospital. My brother

Yashbir died during treatment, he died after being shot by Kailash, Pratap, Mahesh etc. who has killed my brother Yashbir by paying money to Tekchand, Neeraj, Jagga and hatching a conspiracy by Surender, Gobind, Anand, Tinku, Kailash, Pratap, Mahesh, dealer and 4 unknown persons. Legal action be taken against them, this entire incident is recorded in our CCTV camera installed in Nohra. Sd/- Akash...”

Submissions of the petitioner

(3). Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case and was arrested on the disclosure statement of main accused Anil. As per the alleged allegations, the petitioner was present in the meeting of planning the conspiracy but the petitioner was not named in the FIR. He submits that no recovery has been effected from the petitioner and co-accused namely Rajender @ Singh Sahib, Imran Malik, Yogender, Ankit, Rahul, Noruik @ Bhola, Rajat, Atul, Ravinder @ Rabbo and Krishan have already been granted concession of regular bail in CRM-M-24873 of 2024 on 29.05.2024, CRM-M-26845 of 2024 on 31.05.2024, CRM-M-27067 of 2024 on 31.05.2024, CRM-M-28401 of 2024 on 03.07.2024, CRM-M28521-2024 on 03.07.2024, CRM-M-32536 of 2024 on 17.07.2024, CRM-M-34951-2024 on 31.07.2024, CRM-M-40895-2024 on 30.08.2024, CRM-M-31028-2024 on 18.09.2024 and CRM-M-58091- 2024 on 11.12.2024, respectively.

(4). It is pointed out that no overt act has been attributed to the petitioner and that all the incident has been captured in the CCTV footage installed on the plot of the complainant and moreover, all the material witnesses including the complainant have turned hostile. It has been submitted on behalf of the petitioner that he is in custody since 24.01.2024 and no weapon

has been recovered from the present petitioner, therefore, prays for grant of regular bail to the petitioner.

Stand of the State

(5). Learned State counsel has filed the custody certificate dated 05.05.2025 which is taken on record, according to which, the petitioner has undergone 1 year 3 months and 13 days of custody. She submits that pursuant to submission of challan on 20.04.2024, the matter is fixed for framing of charges on 07.05.2025 and out of total 58 PWs none have been examined till date and that apart, the petitioner has been found involved in 4 other criminal cases out of which he has earned acquittal in one FIR. She further submits that there is apprehension that the petitioner may abscond or influence the witnesses since trial proceedings are going on.

Analysis

(6). Heard learned counsel for the parties.

(7). According to the prosecution's case, the petitioner was prima facie deeply embroiled in the commission of the offense. He was allegedly a key member of the group that attended the meeting at Monu Bhardwaj's farmhouse, where the criminal conspiracy to murder Yashbir was orchestrated. Furthermore, he procured a backup pistol from Banti Sharma and supplied it to co-accused Anil Karman, a fact corroborated by evidence gathered by the police. Additionally, the petitioner allegedly facilitated Krishan's involvement by providing him with the deceased's location, which was then relayed to main accused Neeraj Pandit, who gave the final orders to execute the crime. There is also evidence of financial transactions between the petitioner and Krishan via Phonepe, suggesting the petitioner's role in supporting the conspiracy.

(8). Given these circumstances, the petitioner's prima facie involvement is established, and there is no justification for granting bail merely because his name was not mentioned by co-accused persons during interrogation, as his alleged role involved providing ancillary assistance to the co-accused.

(9). In the light of the above stated discussion and taking into consideration the gravity of the offence where a person has lost his life particularly when the petitioner's name has figured as one amongst the prime accused, this Court finds no reason to grant the concession of regular bail to him.

(10). Accordingly, this petition is dismissed.

06.05.2025

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No