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2025:PHHC:110145



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

**CRM M-8093 of 2025 (O&M)
Date of Decision: 21.08.2025**

Akshay @ Vasu

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gourav Verma, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Mr. Parul Saini, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of B.N.S.S., 2023 with a prayer to grant regular bail in case FIR No.0196 dated 20.03.2022 registered under Sections 364, 302, 346, 201, 34 and 120-B of IPC at Police Station Kundli, District Sonipat.
2. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons and there is no

avermment in the FIR, which connects him with the commission of the crime. As per the FIR (Annexure P-1) Sushila wife of Sunil alleged that her husband had left home without informing anyone and he had not returned since long. He further contends that in fact Sunil, since deceased had left home on 07th July 2021 and his dead body was recovered in a canal on 13.07.2021 and the postmortem was also conducted on the same day. From the postmortem, it was revealed that certain injuries were caused on the body of Sunil and it was also found that Sunil had succumbed to the injuries caused by certain unknown persons. Finally, the complainant made a complaint for the first time on 19th March 2022, i.e., after about 08 months of the postmortem. The case was investigated by the police and ultimately an untrace report was prepared on 20.09.2022. Learned counsel further contends that ultimately, the police produced a witness Sunil son of Ran Singh under Section 164 Cr.PC. on 25.06.2024 and he claimed himself to be an eye witness of the occurrence. In the said statement, he stated that he had seen the petitioner and other person causing injuries to Sunil, since deceased and Sunil, since deceased had died due to the said injuries.

3. Learned counsel for the petitioner has vehemently argued that in the present case, Sunil son of Ran Singh claimed himself to be the friend of Sunil, since deceased and it is unbelievable that he informed the Investigating Officer after a period of three years. In

fact, being a close friend of Sunil, since deceased, he was in the knowledge of the facts of the present case and could always disclose the correct facts to Sushila, complainant in the present case. Thus, the delay in recording the statement of Sunil son of Ran Singh raises a serious doubt about the genuineness of the statement made by the witnesses. He further contends that it has been falsely alleged that the petitioner was having call details of the deceased rather the petitioner could not have been arrested on the strength of such a weak evidence. Learned counsel further contends that the petitioner is involved in two more criminal cases but he is on bail in both the cases.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner is one of the main accused and had caused injuries to Sunil, since deceased. Even, appropriate action has already been initiated against the IO of the present case, who had been negligent in conducting of investigation in the present case.

5. Learned counsel for the complainant further submits that the present petitioner belongs to a gang of criminals and they are already extending threats to the witnesses of the present case.

6. In reply to the submissions made by the learned counsel for the complainant, learned counsel for the petitioner submits that the petitioner has no connection with any gang and only two criminal

cases were ordered to be registered against him, in which, he has already been granted the concession of bail.

7. To counter the submissions made by the learned counsel for the complainant, he submits that the petitioner is resident of Delhi, whereas the trial in the present case is being held at District Courts, Sonapat. He undertakes that the petitioner shall not enter the jurisdiction of District Sonapat except on the dates of hearings before the District Court, till the conclusion of trial in the present case.

8. I have heard learned counsel for the parties and perused the record.

9. In the present case, there is no dispute that the first complaint was filed by Sushila wife of deceased after about 08 months of the occurrence. Thereafter, the investigation was conducted and an untrace report was prepared after 06 months of investigation. Thereafter, the name of the petitioner surfaced for the first time in the statement of Sunil son of Ran Singh, which was recorded under Section 164 Cr.P.C. on 25th June 2024. Thus, the prosecution is yet to lead evidence with regard to the involvement of the present petitioner in the crime and the veracity of the statement made by Sunil son of Ran Singh is yet to be decided by the trial Court

10. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at

liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall not enter the jurisdiction of District Sonapat except on the dates of hearing fixed before the District Court, Sonapat, till the conclusion of the trial. Even, on the dates of hearings, he shall only visit District Court Sonapat and shall not visit any other place in District Sonapat. Even, he shall leave the Court premises immediately after the hearing before the trial Court is over.

11. In case, it is found that the petitioner is tampering with the prosecution evidence in any manner, an adverse inference shall be drawn and the prosecution will be at liberty to move an application for cancellation of bail of the petitioner.

21.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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