

2025:PHHC:051482



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

228

CRM-M-7640-2025

Date of decision: April 21, 2025

RAVI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.205 dated 24.06.2020 under Sections 307, 34 of IPC and Sections 25/54/59 of the Arms Act (and Sections 450, 394, 398, 120-B, 212 of IPC added later on), registered at Police Station Bhuna, District Fatehabad (Annexure P-1).

2. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case, wherein he has been accused of inflicting gunshot injuries on the injured-complainant. While inviting the attention of this Court to the copy of the FIR (Annexure P-1), it is submitted that the name of the petitioner does not find mention in the initial version of the complaint and has been subsequently introduced during the course of investigation, which, according to the learned counsel, reflects a deliberate attempt to falsely rope in the petitioner with an intent to harass and settle personal scores.



3. It is further submitted that there exists a history of personal rivalry between the complainant and the petitioner, which lends credence to the assertion of false implication. Learned counsel for the petitioner has also pointed out that the petitioner has been attributed a role identical to that of co-accused Sanjay @ Sanju, who has already been granted the concession of regular bail by the learned trial Court. Reliance has also been placed on Annexures P-6 to P-9 in support of this submission.

4. Learned counsel for the petitioner has also submitted that the petitioner has been in custody since 20.07.2020 i.e. for over 4½ years and the trial is proceeding at a sluggish pace. It is submitted that out of the 38 witnesses cited by the prosecution, only 13 have been examined so far and the remaining 25 witnesses are yet to be examined. Furthermore, it has been stressed that the material witnesses, namely the complainant-Ashok Kumar and the injured witness-Ish Kumar, have already been examined during the course of trial and therefore, there is no apprehension of tampering with the evidence or influencing the witnesses.

5. *Per contra*, learned State counsel, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite. It is contended that the allegations levelled against the petitioner are grave and specific in nature and that he, along with co-accused Sanjay @ Sanju, is alleged to have fired gunshots at the complainant with the intention



not only to cause fatal injuries but also to commit robbery, however, it is fairly conceded by the learned State counsel, on instructions, that co-accused Sanjay @ Sanju, who has been attributed an identical role, has already been granted regular bail. It is also not disputed by the learned State counsel, on instructions, that the material witnesses including the complainant and the injured eyewitness have been examined during the trial. However, it has been submitted that both these witnesses have supported the case of the prosecution. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner and the stage of trial.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. The petitioner has now been in custody for a period exceeding 4½ years. A perusal of the record reveals that the material witnesses, particularly the complainant and the injured eyewitness, who are central to the case, have already been examined during the course of trial. Learned State counsel does not dispute this position.

8. Furthermore, it is also not in dispute that co-accused Sanjay @ Sanju, who has been ascribed an identical role in the occurrence, has already been enlarged on bail. The trial is likely to take considerable time, especially in view of the fact that 25 out of 38 prosecution witnesses are yet to be examined. Further incarceration of the petitioner, in such a situation, would not serve any useful purpose.



9. While the allegations against the petitioner no doubt are serious, however, keeping in view the sluggish pace of trial and the petitioner not being involved in any other criminal case, coupled with the fact that all the material witnesses stand examined, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.

10. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

11. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 21, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*