



CRM-M-9791-2025

-1-

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

227

CRM-M-9791-2025

Date of decision: 22nd April, 2025

Vishal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishal R. Lamba, Advocate for
Mr. H.S. Deol, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of regular bail as filed by the petitioner in case bearing FIR No. 140 dated 03.05.2022 registered under Sections 147, 149, 323, 120-B and 302 of IPC (Section 506 of IPC added later on) at Police Station Sector 9-A, Gurugram. His previous petition bearing CRM-M-52649-2023 had been dismissed by this Court vide order dated 08.07.2024.

2. As per the allegations, on the night of 03.05.2022, the petitioner by forming an unlawful assembly with the co-accused and in prosecution of common object of that assembly had opened an assault upon the complainant-Rohit Solanki, who sustained injuries and went to Civil Hospital, Gurugram for treatment. Thereafter, he had again gone to the same place as he had to attend a wedding function on invitation of his friend Ajay.



On reaching there, he found the petitioner to be present there along with several other persons, who were armed with weapons. The victim Sumit brother of the complainant rushed towards him and compelled him to leave that place and on his asking, he had left that place on the bike of Sahil. Sometime, thereafter, information regarding murder of the victim Sumit at the hands of petitioner and co-accused had been received by him. On his statement, FIR was registered, investigation proceedings were initiated. The petitioner was arrested on 01.02.2023 and is facing trial for aforementioned offences.

3. The previous petition of petitioner had been dismissed by making the following observations:-

“The petitioner who as per his disclosure statement was offended with the complainant as the latter had a scuffle with his mother sometime back, is alleged to have formed membership of unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly and by hatching conspiracy with the accused, he is firstly alleged to have assaulted the complainant on the night of 02.05.2022 and then he is alleged to have beaten the victim Sumit to death. The allegations against the petitioner are serious and specific in nature. The trial is going on and it cannot be said that there would be any undue delay in the same as it is the petitioner who could be arrested only on 01.02.2023. His contention that he was not named in the FIR is not correct. Keeping in view the fact that the disclosure statements of the petitioner and the co-accused disclosed that it was at the behest of the petitioner that firstly the complainant was extended beatings on the fateful night and then the victim was beaten to death, it is apparent at this stage that it was the petitioner who was the main person



behind the homicidal death of the victim. As such, the case of the petitioner cannot be stated to be at parity with the case of the co-accused who have been extended benefit of bail. Keeping in view the gravity of the offence alleged to be committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am inclined to hold that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.”

4. It is argued by learned counsel for the petitioner that he is in custody since long. No specific role or injury has been attributed to him. Co-accused have been extended benefit of bail. The eye-witnesses Sahil and Aman Sharma have not supported the prosecution version. The complainant and another material Chandan Singh have already been examined. There are no chances of his intimidating the witnesses. The trial is moving at snail's pace. His further incarceration would not serve any useful purpose. The prolonged period of incarceration is substantive change in the circumstances. Accordingly, it is urged that he deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that the previous petition as filed by the petitioner has been dismissed on merits. There is no substantive or specious change in the circumstances thereby entitling the petitioner to seek concession of bail. The complainant has fully supported the prosecution version. The hostility of two eye-witnesses cannot be considered a ground for extending benefit of bail to the petitioner. Accordingly, it is urged that petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have



been considered.

7. The petitioner is alleged to have formed membership of unlawful assembly with the co-accused and in pursuance thereof and by hatching a conspiracy with the co-accused, he is alleged to have assaulted the complainant on the night of 02.05.2022 and as per the allegations, he along with the co-accused had beaten the victim-Sumit to death. The petitioner has placed on record Annexures P-5 and P-6, which are copies of statements of PW-5 Sahil and PW-6 Aman Sharma, alleged eye-witnesses both of whom are shown to have resiled from the prosecution version by saying that the petitioner and the co-accused had not caused any injuries to victim Sumit Solanki in their presence. They have turned hostile. Annexure P-8 is copy of statement of PW-15 Chandan @ Chawani, who was also an eye-witness to the occurrence and who is shown to have supported the prosecution case. Copy of cross-examination of the complainant Rohit Solanki, has also been placed on record as Annexure P-7, which shows that he has supported the prosecution version. The mere fact two eye-witnesses have not supported the prosecution version cannot be considered to be sufficient to infer that the petitioner has been falsely implicated when the complainant and another eye-witness have supported the prosecution case. Moreso, the petitioner has failed to show any substantial change in the circumstances/fact situation from the date of dismissal of his previous petition. It is well settled that the petitioner must show some substantial change in the circumstances and it is not sufficient to show a mere superficial or ostensible change. There must be some change in fact situation or in law requiring the earlier view to be interfered with. Keeping in view



the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

22nd April, 2025
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |