



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

CRM-M-14688-2025

Reserved on: 22nd August, 2025

Pronounced on: 29th August, 2025

Shivam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Pooja Janglan, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, 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. 333 dated 09.10.2022 registered under Sections 302, 323, 147, 148, 452 and 427 of IPC (Section 302 of IPC added later on) at Police Station Sector 14, Gurugram, Haryana.

2. As per the allegations, on the intervening night of 08/09.10.2022, the complainant Monu was sleeping in his shop when one person reached there and asked him to give liquor. The complainant told him that he was not running a liquor shop. At this, the said person left while extending threats. Sometime thereafter, 5-6 persons entered his shop by breaking open the lock. They extended beatings to the complainant, his neighbourer Ajay and cousin Neeraj, who were sleeping with him. Their



mobile phones were snatched and were damaged. The complainant and his companions raised clamour, on hearing which the neighbourers reached there and then the assailants fled while extending threats. Ajay had sustained serious injuries and was taken to the hospital. The complainant made inquiries and came to know that the petitioner along with the co-accused were involved in the incident. Initially, a case under Sections 147, 148, 323, 506, 452 and 427 of IPC was registered. Injured Ajay succumbed to his injuries and died on 18.10.2022. The offence under Section 302 of IPC was added. The petitioner along with co-accused Khushi Ram @ Monu and Suraj @ Surja was arrested on 18.10.2022. They suffered disclosure statements admitting their involvement in the crime. In pursuance of the same, the petitioner got recovered an iron rod used at the time of occurrence. Co-accused were also arrested. Presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, on the night of 18.10.2022, he along with the co-accused Khushi Ram, Ashu, Mangal and Surja were present in room No. 107 of Sun Rise Oyo PG and had never come out of the room. Only accused Surja and Ashu had gone outside the room. His presence at the spot of occurrence has not been established at all. The complainant has since been examined and has submitted that he did not know the assailants. No test identification parade of the petitioner was conducted. There are material contractions in the prosecution version. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose since his presence at the spot of occurrence at



the relevant time has not been established. Therefore, it is, argued that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that assembly, he is alleged to have criminally trespassed into the shop of the complainant on the fateful night and inflicted injuries upon the complainant and his companions Ajay and Neeraj. Ajay succumbed to the injuries so received and died. The petitioner has submitted that he was present at Oyo hotel at the time of the incident. The complainant and eye-witness Neeraj have since been examined and have identified the petitioner as one of the assailants. The plea that he was in a room of Oyo PG at the relevant time and that the CCTV footage showed this fact is such a plea that has to be considered by the learned trial Court on the basis of evidence to be produced during trial and not by this Court. The allegations against the petitioner are serious in nature. Keeping in view the gravity thereof, the 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 petition does not deserve to be allowed. Hence, the same is dismissed.



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

[MANISHA BATRA]
JUDGE

29th August, 2025
Parveen Sharma

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