

2025:PHHC:107256



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-13512-2024

Date of decision: August 18, 2025

KHUSHI RAM

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Kamaldeep Kaur, Advocate for
Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.279 dated 17.06.2021 under Sections 148, 149, 323, 452, 506, 302, 307, 120-B of Indian Penal Code, 1860 and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Meham, District Rohtak (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 23.01.2022 in a case of false implication. The petitioner was not specifically named in the FIR in question (Annexure P-1) but came to be arraigned as an accused on the basis of a disclosure statement suffered by co-accused Vinay. It has been argued by the learned counsel that the disclosure statement, on the basis of which the petitioner has been arraigned as an accused in the present case, holds little evidentiary value, and therefore, he deserves to be extended the concession of bail, moreso



when there is no likelihood of the trial concluding in the near future. While drawing the attention of this Court to the contents of the FIR, it has been further submitted that although the complainant party had named a few of the assailants, who allegedly gunned down the son of the complainant, the petitioner was not one of the them nor was any suspicion raised *qua* his involvement in the crime in question.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted by the learned State counsel that it was a premeditated attack carried out by all the accused including the petitioner; all the accused came armed with firearms to the place of occurrence, and thereafter, indulged in indiscriminate firing leading to the deceased Rohit (son of the complainant) sustaining fatal firearm injury and two others i.e. son-in-law of the complainant and Sandeep s/o Satyawar also sustaining firearm injuries. Learned State counsel has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder:-

“To, SHO, Police Station Meham. Sir, It is requested that I Jagdish son of Mange Ram permanent address resident of village Saman. I am 60 years old. I have two sons elder Rohit, age 23 years and younger son Nitin age 19 years and I have three daughters elder Ritu age 36 years then Sonia age 32 years, and younger daughter Neha age 28 years. Yesterday on dated 16.06.2021, I was present at my house with my family. My daughter Sonia’s husband Anesh, who is paralyzed, is working in Haryana Police, has come to my house, was sitting on bed in the room of my house, my son-in-law Anesh, my son Rohit and Nitin, my wife Roshni and Sandeep son of Satyawar all were



sitting and talking. At around 09:00 PM, Bala wife of Kuldeep crossed thr front of my house while giving abuses and threatening. After thatn 4-5 motorcycles stopped outside of my house, on which 5-6 young boys entered in our house while firing and after entering inside they started firing. In fear I hide myself at one side of the bed. My son Rohit, my son-in-law Anesh and Sandeep son of Satywan received gun shot during the firing. On hearing the firing, my daughter Sonia came out from the house, when I and my wife Roshni and my daughter made noise and tried to catch the accused but they fled away while firing and threatening to kill. I snatched a pistol from Amit @ Mittu in the scuffle which is in my possession, I will present the same to you. When we chased them then one motorcycle was left on the spot and other boys who were standing outside on the motorcycle left the sport while firing. I have recognized some boys, out of which Mittu son of Rajinder, Ramlu son of Kuldeep, Vikas Matri son of Kuldeep, Sandeep son of Ramphol. I will identify other boys in front of me. At the and Dillu son of Rajinder all already are in custody in another case. Under conspiracy and with intention to kill they fired on us. We have admitted the injured persons at Rohtak Hospital after managing the vehicle. My son Rohit died due to gunshot injury. Whole dead body is lying at PGIMS Rohtak. Legal action should be taken against above all. The reason of enmity was altercation between the children, in December 2020. Which was later settlement in the Panchayat. After that they started having grudge with me and my children and threaten to kill us. A complaint has been given to you at Cyacnos Hospital at village Kheri Sadh, Rohtak Applicant Sd/- Jagdish S/o Sh. Mange Ram, resident of Village Samain, Mobile No.99923-59561.”

4. Learned State counsel has further submitted that it is not the case of the prosecution that the complainant had only named three assailants while registering the FIR in question; rather, a perusal of the FIR reveals that the complainant had specifically and categorically stated that other than the



three named assailants, there were some more unidentified assailants, who came armed with firearms on their motorcycles and fired indiscriminately; in case those assailants were brought before the complainant, he would be in a position to identify them.

5. It has also been submitted by the learned State counsel, on instructions, that none of the material witnesses have been examined so far, and in case the petitioner is enlarged on bail, there is every likelihood that he could misuse the said concession by intimidating/influencing the material witnesses, moreso when it is a matter of record that he is a man of criminal antecedents. Learned State counsel, in support, has placed on record the custody certificate of the petitioner, wherein it indeed stands reflected that the petitioner has a history of criminal cases.

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

7. The case at hand rests on direct ocular evidence. The deceased sustained as many as 31 firearm injuries whereas two other witnesses i.e. son-in-law of the complainant and Sandeep also sustained firearm injuries.

8. Keeping in view the totality of the allegations levelled against all the accused including the petitioner and the present stage of the trial, this Court does not deem it fit to extend the concession of regular bail to the petitioner.

9. Accordingly, the instant petition stands dismissed.



10. 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.

August 18, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*