



CRM-M-13400-2025

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

CRM-M-13400-2025

Date of decision: 18<sup>th</sup> November, 2025

Rahul Pawar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sandeep Saini, Advocate for the petitioner.  
Ms. Himani Arora, Deputy Advocate General, Haryana.

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**MANISHA BATRA, J (ORAL):-**

The petitioner has been seeking indulgence of this Court by filing this petition for grant of regular bail in case arising out of FIR No. 73 dated 04.05.2023 registered under Sections 148, 149, 285, 323, 302, 379 and 427 of IPC and Section 25 of Arms Act (Section 324, 325, 326, 341, 506 and 201 of IPC added later on and Sections 285 and 427 of IPC deleted) at Police Station Dhand, District Kaithal.

2. The aforementioned FIR was registered on the basis of a written statement submitted by the complainant, Pyara Singh, alleging that his nephew Sitaram @ Satish, was engaged in the business of property dealing in partnership with one Parveen, brother of Jitender @ Gogi. A case was registered in the year 2019 on the complaint of the aforesaid Jitender @ Gogi at Police Station Dhand, and Sitaram @ Satish had been providing assistance to Jitender @ Gogi. The members of the rival party consisting of Ranjeet @ Mandku, Rahul and Baljeet had been pressurizing Satish to not to help the above-named Jitender @ Gogi, and another case was registered



against them as they had committed the murder of one Sandeep on 02.07.2019. He alleged that on 18.04.2023, his nephew i.e. the victim Sitaram had accompanied Rahul to the District Court, Kurukshetra, to attend the hearing of the case of murder of Sandeep, and at that time, accused Rahul, Ranjeet and Parveen had proclaimed that they would get the victim killed. He further alleged that on 03.05.2023, he had gone to meet his brother Ramdiya and when he left the house of his brother and had reached near the corner of the street, he saw that the victim Sita Ram was standing outside his scorpio vehicle and was having conversation with someone with his mobile phone. At the same time, accused Kapil, Mandeep and Anmol reached there accompanied by one unknown person and were seen rushing towards the vehicle of the victim. Simultaneously, accused Baljeet @ Kala and Ajay Rathore along with one unknown person reached there and they damaged the window panes of the vehicle of the complainant. Accused Anmol @ Sunny threw red chilly powder in the eyes of Sita Ram. He raised alarm and rushed towards the rear seat of the vehicle, however, he was assaulted by the assailants who caused injuries to him with the weapons carried by them. A rescue alarm was raised by the complainant and by Kapil. However, the assailants fired three shots with a pistol upon the victim and then fled away. The victim, Sitaram, succumbed to the injuries. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body was conducted.

3. As per the further allegations, the accused, Mandeep and Anmol @ Sunny, were arrested on 06.05.2023. Offence under Section 120-B IPC was added. On the disclosure of accused Mandeep and Anmol, accused



Vikas @ Budli was nominated. Accused Amarjeet was found involved in giving shelter to the assailants. Offence under Section 212 IPC was added. The petitioner and co-accused Parveen and Ranjeet were joined into investigation on 19.05.2023 and were formally arrested. They suffered disclosure statements admitting their involvement in the crime. Offence under Section 180 IPC was added against them. Two other accused were also arrested subsequently. Investigation now stands completed against the petitioner and the apprehended accused. Challan has been presented.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither present at the spot nor any specific role in the incident has been attributed to him. In fact, he was in custody in some other case at the time of occurrence and was confined in jail. He has been implicated as an accused on the allegations of hatching a conspiracy with the co-accused, though he had no concern with the incident. No recovery has been effected from him. Complainant has not supported the prosecution version and has not implicated the petitioner in commission of subject offences. He is in custody since long. The trial is likely to take considerable time. He has been acquitted in two of the cases registered against him, and his involvement in another case cannot be considered a ground for denying the benefit of bail to him. Co-accused Aman Kumar has been extended the benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed. Learned State Counsel has argued that there are serious and specific allegations against the petitioner, who



hatched a conspiracy with the co-accused, in pursuance of which, the co-accused formed membership of an unlawful assembly and, in prosecution of the common object of that unlawful assembly and at the behest of the petitioner, the victim was assaulted and assailed by them. There are chances of the petitioner absconding or intimidating the witnesses if extended the benefit of bail. It is, therefore, urged that he does not deserve to be released on bail.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and the case of the prosecution is that in pursuance of that conspiracy, the co-accused formed membership of an unlawful assembly and on the fateful day, the co-accused opened an assault upon the victim Sita Ram @ Satish and caused his death by causing injuries to him which have been opined to be ante-mortem in nature and sufficient to cause his death. The petitioner was admittedly not present at the time of occurrence. With regard to the allegations of hatching conspiracy, the complainant has appeared before the learned trial Court as PW-1. Copy of his sworn deposition has been placed on record and a perusal of the same reveals that he did not implicate the petitioner in the crime. He turned hostile and denied the fact that the deceased had told him that the present petitioner had extended threats to kill him sometime prior to the occurrence. The petitioner is in custody for a period of two years, five months and twenty four days. Only 01 out of 32 prosecution witnesses has been examined so far and he too had not supported the prosecution version. The trial is obviously delayed



and there is no likelihood of the same to conclude in near future. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest they prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]  
JUDGE

18<sup>th</sup> November, 2025  
Parveen Sharma

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