

CRM-M-14305-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14305-2025
Reserved on: 01.05.2025
Pronounced on: 16.05.2025

Aakash alias Ankur ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
53	18.01.2019	Old Industrial Panipat, District Panipat	302 & 34 IPC and 25/54 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 31 of the bail petition, petitioner declares that one more case is pending against him, however as per paragraph 5 of the status report dated 26.04.2025, the accused has four more pending cases, which are as follows:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1	2	2019	307, 392, 397, 120B IPC and 25 of Arms Act	Murthal, Sonipat
2	24	22.01.2019	115, 379, 412, 420, 25 IPC and 25,54, 59 of Arms Act	Sadar, Charkhi Dadri
3	233	14.07.2020	25, 54, 59 of Arms Act	Asaudha, District Jhajjar
4	237	2020	174A IPC	Asauda, Jhajjar

3. The facts and allegations are taken from the status report, which reads as follows:

“That on 18.01.2019 complainant Raj Rani wife of Rajender Singh gave a complaint to the police stating therein that her son Nitin, aged about 20

CRM-M-14305-2025

years, unmarried had quarreled with Tinku, Meeta, Bittu Langra, resident of Kabri, Panipat. The aforesaid boys and their assailants used to threaten Nitin. They had fear of the life of Nitin, she used to keep Nitin at the house. Her son Nitin and his friend Ankush son of Rajender were present in their house. At about 12:00 O'clock at night, Neeraj alias Chotala called out his son Nitin, outside where some other persons were sitting in the white Car, who started firing on his son indiscriminately. Her son was followed by Ankush, who saved his life. After killing his son, the aforesaid persons fled away from the spot."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. Petitioner seeks bail on parity with co-accused, whose bail orders are annexed as Annexures P-3, P-4, P-5 & P-7. Firstly petitioner seeks bail on parity with Samunder Singh. Perusal of the order dated 21.07.2020 passed by the Coordinate Bench of this Court in CRM-M-17325-2020, where co-accused Samunder Singh was granted bail, shows that he was granted bail at the time of Covid pandemic and observation of the Courts at that time of Covid was altogether different, as such, petitioner is not entitled to bail with Samunder Singh. Secondly, petitioner seeks bail on parity with Nikhil @ Tinku, who was granted bail by Coordinate Bench of this Court vide order dated 29.10.2021 passed in CRM-M-15439-2021. Perusal of the said order reveals that Nikhil was granted bail because petitioner (Nikhil), Mitta and one Bittu Langra had verbal altercation with the deceased prior to two days of the incident and it was the motive of petitioner, however Mitta and Bittu Langra were exonerated on being found innocent. A perusal of the order reveals that the court had granted bail to Nikhil by analysing the evidence against him, as such petitioner is not entitled to bail on parity with Nikhil because as per ballistic expert, weapon recovered from the said Nikhil found no connection with the bullet recovered from the deceased body or place of occurrence. Thirdly petitioner seeks bail on parity with Rahul, who was granted bail by Coordinate Bench of this Court vide order dated 28.03.2022 passed in CRM-M-48874-2021. The arguments for Rahul were that eyewitness-Ankush in his deposition stated that Rahul was not the person who had fired upon the deceased and on such ground the Court had granted bail to Rahul. However, petitioner claims bail on parity but failed to annex the deposition of witnesses with the case file to substantiate his case on parity, as such in the absence of copy of deposition of witnesses, this Court cannot accept plea of parity. Here, it would be appropriate to refer to para 4 of the reply which reads as follows:-

CRM-M-14305-2025

“4. That the role of the petitioner is that he alongwith co-accused Ajit, co-accused Neeraj Chautala, co-accused Rahul Pandit and co-accused Nikhil @ Tinku conspired to commit murder of deceased Nitin. In pursuance of their conspiracy, they all went near to the house of the deceased Nitin. Neeraj @ Chautala called Nitin outside his house by making whats app call to him. When he arrived, Co-accused Neeraj Chautala, Rahul Pandit, Nikhil and the petitioner all fired upon the deceased Nitin with their respective country made pistols. Deceased Nitin died on the spot because of gun shot injuries caused to him. The petitioner has also confessed to his role in crime in his disclosure statement, Annexure R-6.”

7. Thus, it is clear that the firing was attributed to Neeraj Chautala, Rahul Pandit, and Nikhil @ Tinku and the petitioner-Aakash. Thus, petitioner was attributed fire injury, as such he is not entitled to bail. Petitioner's next ground for parity is with Ajit who was granted bail by Coordinate Bench of this Court vide order dated 02.06.2022 passed in CRM-M-24281-2022. Perusal of the said order reveals that the ground of bail to Ajit was on the same ground as was given to co-accused and also the reason that he was not attributed any injury but in this case, it is mentioned in the reply that petitioner was explicitly attributed gun shot injuries, thus petitioner is not entitled to bail with Ajit as well.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 02 years & 09 months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is life imprisonment.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.