



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-15649-2025

Date of decision: 2nd September, 2025

Rakesh @ Mukki

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sunil Bhardwaj, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition for grant of regular bail as filed by the petitioner in case arising out of FIR No. 132 dated 23.04.2020 registered under Sections 307, 323, 341, 506, 34 and 120-B of IPC and Section 25 of Arms Act, 1959 at Police Station Bhuna, District Fatehabad, Haryana. The first petition filed by the petitioner bearing CRM-M-754-2023 was dismissed on 11.12.2023, whereas the second petition bearing CRM-M-37871-2024 had been dismissed as withdrawn on 09.08.2024.

2. The petitioner is facing trial for commission of aforementioned offences on the allegations that he had hatched a conspiracy with the co-accused Amit and Rahul Kumar, in pursuance of which, the co-accused Amit and Rahul had assaulted the complainant Vikram and his companion Karambir Singh and had fired shots with some firearm upon them thereby making attempt to kill them and causing serious injuries. The accused Rahul



Kumar was arrested on 03.05.2020 and suffered a disclosure statement about hatching conspiracy with the present petitioner, who was having grudge with the complainant-victim on the account of his giving evidence in a case bearing FIR number 147 of 2016 registered at Police Station Bhuna. The petitioner and co-accused Amit were nominated as accused. The petitioner was arrested and has been in custody since 08.10.2020.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was neither named in the FIR nor any specific overt act had been attributed to him. Admittedly, he was not present at the spot of occurrence at the relevant time. No material qua his hatching a conspiracy with the co-accused has been placed on record. Injured eye-witness Karambir Singh has not identified him as one of the assailants. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him, especially in the circumstance when he is in continuous custody for a period of about five years. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Punjab, that the petitioner is a habitual offender as he is involved in several cases which are serious in nature. The trial is at the fag end, as most of the prosecution witnesses have already been examined and only two witnesses have remained to be examined. 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 is alleged to have hatched a conspiracy with the co-accused and in pursuance of the same, the co-accused had made an attempt to kill the complainant and his companion Karambir Singh by firing shots with a pistol upon them. The petitioner is a habitual offender. He was involved in 13 cases and has been convicted in as many as five cases including a case for commission of offence of murder and is already undergoing sentence for life. Trial is at its fag end, since only two witnesses are remained to be examined. Keeping into the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

2nd September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*