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

**CRM-M No.23129 of 2025
Date of Decision: 05.08.2025
Reserved on: 25.07.2025**

Shainki Pal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Siddarth, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the fourth petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 750 dated 11.09.2021 registered under Sections 302, 120-B and 201 of IPC at Police Station Yamuna Nagar City, District Yamuna Nagar. The previous three petitions as filed by him had been dismissed as withdrawn.

2. As per the allegations, on 10.09.2021, at about 12:00 AM, the complainant Shivali Sharma along with his brothers Surya i.e. victim and Krishna @ Boxer was present near Guru Gobind Singh Institute. They were making preparation for setting up a tent for the forthcoming Ganesh Festival. In the meanwhile, 15-20 youths riding on some motor

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bikes and armed with weapons, reached there. All of them opened an attack on Surya with their respective weapons. The complainant and his brother Krishna @ Boxer rescued their lives by concealing themselves. The petitioner and the other accused inflicted several injuries on the person of the victim Surya, due to which he fell down and had become unconscious. They were making exhortations to kill the victim and thereafter, they fled from the spot. The complainant disclosed the names of some of the assailants including that of the present petitioner, who were seen by him at the spot and also that he did not know some of the assailants but could identify them. A case under Section 302 read with Section 120-B of IPC was registered. Investigation proceedings were initiated. The petitioner was arrested on 09.10.2021. Some other co-accused were also arrested.

3. As per the further allegations, the petitioner and co-accused suffered disclosure statements admitting their involvement in the subject crime and got recovered iron pipe used in the offence and also got identified the place of occurrence. Investigation stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific injury has been attributed to him. He has been in custody since 09.10.2021. Due to prolonged period of incarceration, he is certainly entitled to be given benefit of bail especially when four of the co-accused have been extended benefit of bail. His further incarceration would not serve any useful purpose. Accordingly, it is urged that the petition deserves to be allowed.

5. Status report has been filed by respondent-State. It is argued by

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learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner, who by hatching a criminal conspiracy with the co-accused, had opened an attack upon the victim on the fateful night and had caused his homicidal death by inflicting as many as 17 injuries on his person, out of which six were head injuries. The petitioner had hit the victim with iron rod thereby causing injuries on head, leg and other parts of body. One more case has been registered against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. As per the allegations, the petitioner by hatching a conspiracy with the co-accused, had opened an assault upon the victim on 10.09.2021 and had caused fatal injuries to him. The copy of sworn deposition of Shivali Sharma has been placed on record and a perusal of the same reveals that he did not identify the petitioner by his name and wrongly identified him as Harsh. However, this witness is shown to have stated simultaneously that since the petitioner and co-accused Gaurav had become weak while remaining in custody, therefore, he could not identify them. Copy of testimony of Krishan @ Boxer has also been placed on record and he is shown to have supported the prosecution version and also took the name of the petitioner as one of the assailants. The allegations against the petitioner are serious in nature. He has criminal antecedents. The case of the petitioner

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is not at parity with those accused who have been extended benefit of bail. It is well settled proposition of law that where offences alleged are serious and grave in nature, long period of incarceration and the fact that the trial is not likely to be concluded in near future may not be a ground entitling the accused to be released on bail. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

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

05.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No