



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

212

CRM-M-22706-2025

Date of decision: 28th May, 2025

Ankit @ Baba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Edward Augustine George, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition for grant of regular bail in case arising out of FIR No. 151 dated 02.03.2022 registered under Sections 302, 120-B and 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Shivaji Colony, District Rohtak. His first petition bearing CRM-M-9009-2024 was dismissed as withdrawn, whereas, the second petition bearing CRM-M-11491-2025 was dismissed vide order dated 02.04.2025.

2. As per the allegations, the petitioner along with two unknown youths had gone to the office of the complainant on 02.03.2022 and had fired a shot at Rohit @ Bajrang, who was sitting in his office. Rajinder, father of the complainant was also present there and he rushed for apprehending the assailants. He too sustained a firearm injury and died at the spot. Rohit also succumbed to the injuries on the way to the hospital. On the complaint of complainant, FIR was registered. Investigation proceedings



were initiated. The accused Mohit @ Chusti and Anil were arrested. They suffered disclosure statements on the basis of which, the petitioner, co-accused Sunil, Sunny, Vinit @ vinny and Amit were nominated as accused. They were arrested. The petitioner was arrested on 14.03.2022. He suffered a disclosure statement admitting that he had hatched a conspiracy with co-accused to kill the complainant. He also got recovered a pistol and live cartridges and demarcated the place of occurrence. Presently, he is facing trial along with the accused. The previous petition bearing CRM-M-11491-2025 had been dismissed by making the following observations:-

“The petitioner is alleged to have hatched a conspiracy with co-accused to kill one of the victims namely, Rohit @ Bajrang and in pursuance thereof, he along with some of the co-accused is alleged to have reached at the office of the complainant on the fateful evening and had fired shots thereby killing not only Rohit @ Bajrang but also the father of the complainant. No doubt PW Balwan who is father of deceased Rohit @ Bajrang, has not identified the assailants and did not name the petitioner as one of the persons who had fired shots but complainant who was also present at the spot is yet to be examined. The allegations against the petitioner are serious in nature. Keeping in view the gravity of these allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be released on bail. Accordingly, the petition is dismissed.”

3. It is argued by learned counsel for the petitioner that four more prosecution witnesses namely PW-2 Baljeet, PW-3 Jai Singh, PW-6 Joginder, and PW-7 Shri Om, have failed to identify the petitioner as the



assailant of the victims. One eyewitness, Balwan, has already turned hostile. The complainant has died. One eyewitness, Sachin, has been absconding and there are no chances of his appearing and recording statement before the court. While dismissing his previous petition, this court had observed that the complainant was not examined till then. The factum of his death, was not brought to the notice of this court. All this amounts to a substantive or specious change in the circumstances. The extended period of his incarceration coupled with the above-discussed circumstances, has entitled him to seek his release on bail. Accordingly, it is urged that the petition deserves to be allowed.

4. Reply has been filed. It is argued by learned Assistant Advocate General, Haryana, has submitted that the previous petition for grant of regular bail as filed by the petitioner only on 02-04-2025 and within a short span of 22 days, this petition has been filed, though there is no substantive change in the circumstances. It is also submitted that PW-2 Baljeet, PW-3 Jai Singh, PW-6 Joginder, and PW-7 Shri Om, as examined before the Learned Trial Court were simply identifiers of the dead bodies of the victims and they were not the eyewitnesses. While affirming that the complainant Dalbir has expired and hence his statement obviously cannot be recorded, it is argued that one material eyewitness, namely Sachin, is yet to be examined. The trial is going at a proper pace. The prolonged period of custody of the petitioner in such like case, is not a ground for extending benefit of bail, therefore, it is argued that the petition does not deserve to be allowed.

5. Rival contentions raised by both the parties have been



considered.

6. While dismissing the previous petition as filed by the petitioner, by this court, the fact that one eyewitness, Balwan, has not supported the prosecution version had been taken into consideration besides other points. It is also observed that the complainant was yet to be examined. On account of his death, obviously his statement cannot be recorded now. However eyewitness namely Sachin is yet to be examined. Though the petitioner has placed on record copies of *Zimni* orders passed by Learned Trial Court to show that the case is being adjourned for recording statements of prosecution witnesses, however, it cannot be inferred from the same that there would be any undue delay in conclusion of the trial. Rather, it appears that efforts are being made for securing presence of the witnesses. Perusal of statements of PW-2 Baljeet, PW-3 Jai Singh, PW-6 Joginder, and PW-7 Shri Om, shows that they had simply identified the dead bodies of the victims and their testimonies that they did not know the assailants, cannot be stated to be of any importance as they were not eyewitnesses. The allegations against the petitioner are quite grave in nature. A detailed order was passed while dismissing the first bail petition of the petitioner. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna***



Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not there in this case. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

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 dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*