



CRM-M-26547-2025

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

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**CRM-M-26547-2025
Decided on :08.09.2025**

Sahil

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

Mr. Akshay Kumar, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.413 dated 17.11.2022, under Sections 302, 307, 148, 419, 506, 120-B IPC and Sections 25/54/59 of Arms Act, registered at Police Station Bawani Khera, District Bhiwani.

2. The occurrence in the present case took place on 16.11.2022, resulting in the death of one Mahender (aged 48 years) and firearm injuries to another individual, namely Ajit @ Walia. FIR was registered at the instance of the complainant, Chandi Ram, brother of the deceased Mahender.

3. As per the FIR, incident is connected to a local village election for the post of Sarpanch, scheduled to be held on 02.11.2022, in



which deceased Mahender was supporting a candidate named Bhoop Singh. It is alleged that on 31.10.2022, i.e., two days prior to the election, threats were issued to Mahender and Ajit by multiple individuals, including:

(i) Balraj, (ii) Mohit, (iii) Silk, (iv) Jora, (v) Vikash, (vi) Vikram, (vii) Abhimanyu, (viii) Raj Kumar, (ix) Upan, (x) Sombir, (xi) Nupad, (xii) Sukhbir, (xiii) Anil, (xiv) Rohit, and (xv) Pawan — stating that Mahender and Ajit would be killed for supporting Bhoop Singh.

4. On 16.11.2022 at around 6:00 PM, while Mahender and Ajit were returning from the fields in a Ritz car (bearing registration No. HR-16N-5061) near the Chakki of Gopi, accused persons, including Silk, Upan, Raj Kumar, and 2–3 unknown accomplices, arrived on motorcycles armed with weapons and fired indiscriminately, resulting in the death of Mahender and injuries to Ajit, who suffered 10 firearm injuries.

5. Learned counsel for the petitioner, Mr. P.S. Ahluwalia, refers to the final investigation report and submits that during investigation, one Sanesh @ Langda was arrested. In his disclosure/confessional statement, he stated that he was introduced to accused Silk Ram by co-accused Vijender @ Bhinu, who assured the arrangement of arms. Pursuant to this, Silk Ram and his accomplice Sahil (the petitioner herein) went along with Sanesh to Sandhwa to procure arms.



It was further disclosed by Sanesh that he brought four pistols and ammunition from one Sardar Veer, a resident of Village Umarti, District Badvani, Madhya Pradesh, which were then handed over to Silk Ram for the purpose of committing murder.

6. Mr. Ahluwalia submits that, as per this part of the investigation, petitioner is alleged to have merely accompanied Silk Ram for the procurement of arms and is not directly connected to the act of firing or the murder.

7. Counsel further refers to the disclosure statement of co-accused Bijender @ Minu, who, upon being arrested in FIR No. 40 dated 20.01.2023 under Sections 25/54/59 of the Arms Act, Police Station Sadar, Bhiwani, confessed that ***he was a friend of Silk Ram and that five persons associated with Silk Ram had allegedly been killed by Bablu Sarpanch. In revenge, Silk Ram sought to procure arms. Bijender further stated that he, along with Sanesh, Silk Ram, and Sahil (petitioner herein), had gone to Madhya Pradesh to procure pistols for the said purpose.***

8. Based on this disclosure, petitioner was joined in the investigation and arrested on 21.01.2023.

9. Counsel for the petitioner submits that the entire implication of the petitioner arises solely from disclosure statements made by co-accused persons and that no independent material has been brought on



record to substantiate the allegation of conspiracy or participation in the crime.

10. It is further submitted that the statements of key witnesses, including the injured eye-witness Ajit @ Walia (PW-3) [Annexure P-4] and complainant Chandi Ram (PW-4) [Annexure P-5], have already been recorded during trial. Nothing has been stated by the said witnesses in their examination in chief or even the cross-examination conducted of PW3-Ajit Singh/injured witness.

11. Counsel contends that in the absence of any direct or corroborative evidence linking the petitioner to the offence, and in view of the fact that he has already undergone incarceration for approximately 2 years and 8 months, continued detention would be unwarranted and violative of his right to personal liberty.

12. Additionally, it is argued that the petitioner does not have any history of involvement in similar or other criminal activities and has been falsely implicated on the basis of unverified disclosure statements. Thus, prays for grant of regular bail to the petitioner.

13. On the other hand, learned State counsel submits that the petitioner was an active participant in the conspiracy and one of the key conspirators involved in arranging the weapons, which were in fact procured for the purpose of committing murder. Therefore, the petitioner is not entitled to the concession of bail.



14. Learned counsel for the complainant, while vehemently opposing the prayer for bail, submits that the petitioner is an active member of the group involved in hatching the criminal conspiracy. His involvement is clearly evident from the disclosure statements of co-accused Silk, Sanesh, and Bijender, who have specifically named the petitioner in connection with the procurement of weapons used in the offence. It is further submitted that recoveries of arms have been effected from the said co-accused, pursuant to which the petitioner's name surfaced. Learned counsel also points out that several material witnesses are yet to be examined, including the cross-examination of the complainant-Chandi Ram.

Further elaborating on the submissions, Mr. Akshay Kumar, learned counsel for the complainant, argues that the petitioner, being a member of the group that travelled to the State of Madhya Pradesh to procure weapons, is equally liable as the other accused, namely Sanesh and Bijender. He points out that the disclosure statement of Sanesh led to the recovery of one pistol, an empty magazine, and three live rounds from Panipat.

In fact, during the visit to Madhya Pradesh, a 9 mm pistol, two .32 bore pistols, one country-made pistol, along with bullets of 9 mm, .32 bore, and .315 bore, were arranged for a total amount of ₹87,000.

Counsel relies upon the judgment of the Hon'ble Supreme Court in *Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC



496 (Two-Judge Bench), *Eshar Singh v. State of A.P.*, AIR 2004 SC 3030, and *Raju Manjhi v. State of Bihar*, 2018(5) R.C.R. (Criminal) 426, to highlight the gravity of the offence.

He thus submits that, in the light of law laid down by the Hon'ble Apex Court and considering the serious nature of the offence, prayer for bail ought to be declined.

15. Having heard learned counsel for the parties and upon perusal of the material available on record appended with the petition, it is evident that the role attributed to the petitioner primarily is limited to accompanying them, along with accused Silk Ram, to the State of Madhya Pradesh for the alleged purpose of procuring arms and this also primarily arises only from the disclosure statements of co-accused Sanesh, and Bijender, which infact cannot be treated a substantive evidence.

Considering the submissions made by the complainant, including the applicability of the judgments cited by him, I am not significantly persuaded. The facts of the cited cases are clearly distinguishable, and moreover, the grant of discretionary relief in the form of bail must be assessed primarily by examining the specific facts of the case in detail, particularly in relation to the allegations made by the prosecution.

16. Undoubtedly, it shall be for the learned trial Court to appreciate the evidence in detail and ultimately to determine whether the petitioner was an active member of the alleged conspiracy or merely



involved to the extent of accompanying others, without knowledge of the intended criminal act. From the contents of the disclosure statements, as pointed out by learned counsel for the petitioner, at this stage, no clear indication is there to the effect that the petitioner had any intention or knowledge of committing murder, which is the subject matter in the present case.

Furthermore, there is no specific allegation that the petitioner was present at the scene of the incident or even at the first instance when the names of the alleged conspirators were mentioned in the FIR. Notably, even at this stage, nothing has been brought on record by learned counsel for the complainant to suggest that the petitioner had any direct or indirect connection with the village election, which appears to be the root cause of the incident. It is also relevant to notice that petitioner is not even a resident of the village concerned. All such aspects, if raised at the appropriate stage, shall undoubtedly be subject to the proper scrutiny by the learned trial Court.

Be that as it may, considering the fact that the petitioner is a young man of 22 years of age and has remained in custody since 21.01.2023 (i.e., for approximately two years and eight months), this Court is of the view that he cannot be detained indefinitely, unless the prosecution is able to prove the charges against him during trial. It is also not the case of the prosecution that the petitioner is involved in any other case of similar or serious nature.

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Accordingly, present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

17. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

18. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

08.09.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*