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

**CRM-M No.27281 of 2025
Date of Decision: 31.10.2025
Reserved on: 28.10.2025**

Shivalik Kumar @ Shivalik

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanchit Choudhary, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.745 dated 08.10.2020 registered under Sections 148, 149, 323, 427, 452, 307 and 120-B of IPC and Section 25 of Arms Act, 1959 (Section 307 of IPC was deleted and Section 302 of IPC was added later on) at Police Station HTM Hisar, District Hisar. His previous petition bearing CRM-M No.3391 of 2024 had been dismissed as withdrawn vide order dated 08.04.2024.

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2. As per the allegations, on 07.10.2020, the complainant Rahul @ Balli was sitting in a room situated in Tibba Daana Sher, Hisar along with friends Deepak, Narender Yadav @ Pappal and Sunil @ Tota. On hearing some noises, they came outside the room and found the petitioner standing outside along with the co-accused Rocky, Naseeb @ Bhardu and 10-15 youths all of whom were armed with weapons. The petitioner made an exhortation to teach a lesson to Deepak for misbehaving with Keshav. The complainant tried to prevail good sense upon them but they started manhandling the complainant and his companions. The complainant along with his friends pushed them outside the room and bolted the room but they managed to break open the door, took out victim Deepak in the street and caught hold of the complainant and his two companions. Thereafter, they opened an attack upon the victim Deepak by striking blows with knife on his person thereby causing injuries to him. The complainant and other two companions were also assaulted by them and they sustained injuries. Deepak became unconscious and then the assailants fled away. Initially, a case under Sections 148, 323, 427, 452 and 307 read with Sections 120-B and 149 of IPC was registered on the basis of statement of complainant Rahul. The victim Deepak succumbed to his injuries. Offence under Section 302 of IPC was added. The petitioner and co-accused were arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant Rahul and eye-witness

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Sunil have not implicated him in commission of subject offences. They have turned hostile. There is no evidence on record to connect him with the subject offences. Co-accused Om Parkash, Rahul @ Bihari, Aman @ Mannu and Arun @ Chotta have been extended benefit of regular bail. On parity, he too deserves to be given the same benefit. Only 18 out of 37 witnesses have been examined before the trial Court. PW-Joginder Singh is not coming forward. He is in custody for a period of more than five years. The trial will take considerable time to conclude. His continued detention would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. He is a habitual offender since two more cases are pending against him. There are chances of petitioner's intimidating the remaining material witness or absconding if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have assaulted the victim and caused injuries to him by striking blows with knife resulting into his death. The complainant Rahul @ Balli was examined before the learned trial Court as PW-4. Copy of his sworn deposition is placed on record and shows that he did not implicate the petitioner or any

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other accused in commission of the subject offences and stated that no occurrence took place in his presence and also that the petitioner and co-accused did not commit any offence. He was declared hostile and was allowed to be cross-examined by public prosecutor but nothing incriminating is shown to have been extracted from his testimony. To the similar effect is the statement of PW-5 Sunil @ Tota who was an injured eye-witness to the occurrence. Though both these witnesses have not supported the prosecution version, however, eye-witness Narender Yadav @ Pappal and Joginder are yet to be examined. Simply because of the resiled statements of PWs Rahul and Sunil, no inference as to innocence of the petitioner can be drawn. The allegations against the petitioner are quite serious in nature. The case of the petitioner is not at parity with the case of the co-accused who have been extended benefit of bail. Only on the basis of prolonged incarceration of the petitioner, he cannot be held entitled to be released on bail. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground 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)***. Keeping in view the above discussed facts and circumstances 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

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deserve to be allowed. Accordingly, the same is dismissed.

31.10.2025
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(MANISHA BATRA)
JUDGE

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