



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

318

CRM-M-28432-2025 (O&M)  
Decided on : 30.07.2025

Ajay . . . Petitioner(s)  
Versus  
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajesh K. Dhankhar, Advocate and  
Mr. N.S. Tewatia, Advocate  
for the petitioner(s).  
  
Mr. Sunny Namdev, AAG, Haryana  
assisted by ASI Vinod Kumar.

Mr. Raman Chawla, Advocate  
for the complainant.

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SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

| Name of<br>Petitioner(s) | FIR<br>No. | Date       | Section(s)                        | Police<br>Station | District |
|--------------------------|------------|------------|-----------------------------------|-------------------|----------|
| Ajay                     | 309        | 22.10.2023 | 148, 149, 302, 120-B of IPC, 1860 | Siwani            | Bhiwani  |

2. For reference, version of FIR is reproduced here-under:

*“To, The Police Post, In-charge, Jhumpa Kalan. Sir, It is requested that I, Anil Kumar son of Shri Kuldeep Singh, resident of Garwa, Tehsil Siwani, District Bhiwani, Haryana, am a resident of the aforementioned address. We were two brothers. My elder brother was Vikram Kumar. On 21.10.2023 at around 7 PM, my brother Vikram went out stating that there is a Birthday of Vikas son Mandrup Singh resident of Garwa. He has called me there for a party. On 22.10.2023 at around 01.00*

*AM, I got a call from Sandeep son of Shri Dharampal resident of Garwa that Vehicle of Vikram is parked near the field of Vikas near the Jinga Farm on the road of Suratpura and they are quarreling with Vikram. Thereafter, I came to know that Vikas son of Mandrup, Krishan son of Sumer Jakhar resident Surpura, by keeping the old rivalry in their mind with my brother Vikram for the fight occurred in the year 2019, Krishan son of Sumer resident of Surpura, Sumit son of Bhagwan Singh resident of Garwa, Vikas son of Mandrup resident of Garwa, Parveen son of Dilbag resident of Garwa, Akshay son of Mai Chand resident of Garwa and 3-4 other persons in connivance with each other were attacking with the intention of killing with edged weapons in their hands, Sticks (Dandas), iron rod and Rods (Saria). As soon as I reached at the spot then all those persons were running away from the spot. After that I and my brothers Sombir of Rajbir, Vikas son of Rajbir, Rajbir son of Ganpat Ram picked up my brother Vikram from the spot and left for Hisar for treatment. On the way my brother Vikram told that Vikas, Akshay, Sumit, Krishan, Praveen and 3-4 other persons together keeping in mind the old rivalry beat me badly with sticks, rods, iron rods and edged weapons with the intention to kill me. After going to Hisar Hospital, the doctors declared my brother Vikram dead. Hence, It is requested you to give the strict punishment to the murderers of my brother and get us justice.”*

3. Learned counsel for the petitioner submits that the petitioners was neither named in the FIR (Annexure P-1) nor suspected of involvement at the time of its registration. The FIR, lodged by complainant – Anil Kumar, brother of deceased Vikram, states that upon learning of a quarrel involving the deceased and certain persons, the complainant rushed to the spot, but found only his injured brother, who was promptly taken to a hospital. On the way, the deceased, while still alive, named five individuals with whom he had prior enmity, alleging that they, along with two to three unidentified

persons, had assaulted him with iron rods and sticks.

4. It is contended that the name of the petitioner does not find mention in the above mentioned dying declaration of the deceased. It has been further argued by learned counsel that the petitioner had no motive to harm the deceased, and if such motive existed, his name would have appeared in the dying declaration of the deceased. It is also submitted that, the petitioner was implicated only subsequently, on the basis of disclosure statement made by co-accused – Samarjeet @ Shera and Mukesh @ Kanshi, who themselves were arrested pursuant to the statements of the main accused named in the FIR.

5. It has still further been submitted that the petitioner has no previous criminal antecedents. The final report has already been presented and charges have been framed. However, out of 57 prosecution witnesses, only one has been examined so far, and therefore, there is no likelihood of an early conclusion of trial. It has been asserted that the complainant, who is the material witness and who set out the alleged motive for the incident, has already been examined.

6. It is further submitted that a video recording allegedly capturing the incident was recovered during investigation; however, the petitioner is not visible in the said footage. A copy of the video has been placed on record along with a pen drive.

7. To strengthen the submissions and support the case for bail to the petitioners, learned counsel submits that similarly situated co-accused have already been granted the concession of bail by the Coordinate Bench of this Court, vide order dated 02.05.2025 passed in CRM-M-22091-2025, titled “*Vikram alias Bikka v. State of Haryana*”, and vide order dated 13.05.2025 passed in CRM-M-2569-2025 (O&M), titled “*Ankit @ Toni v. State of*

*Haryana*” (appended as Annexures P-6 and P-7, respectively, in CRM-M-29375-2025).

Additionally, learned counsel places on record a copy of the order dated **18.07.2025** passed by the Coordinate Bench in **CRM-M-36647-2025 (O&M)**, titled “*Saramjeet v. State of Haryana*”. The same is also taken on record, subject to all just exceptions.

8. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite. However, learned State counsel, on instructions, has not disputed the fact that the petitioner was neither named in the FIR nor suspected initially. He further concedes, on instructions, that the petitioner was nominated only on the basis of disclosure statements made by co-accused Samarjeet and Mukesh. It has also not been disputed that no specific motive to commit the crime in question has been attributed to the petitioner. Learned State counsel has further confirmed the fact that complainant has already been examined and that petitioner has no previous criminal antecedents.

9. On the other hand, learned counsel appearing for the complainant, while vehemently opposing the submissions made by the petitioners’ counsel, contends that as per instructions received by him, petitioner – Ajay, was there on the spot of incident, because, video has been recorded by co-accused – Mukesh in his mobile phone.

To fortify the said contention, counsel was granted two days time to show any such finding recorded by the Investigating Officer during the course of investigation, and same having been mentioned in any of the statement of the final report submitted by him. Learned counsel for the complainant failed in showing any such conclusion from the final investigation report.

10. I find that the plea of bail of the petitioner stands at par with the already bailed out co-accused persons (as mentioned above in foregoing paragraph No.6).

11. The prosecution case is primarily based on the oral dying declaration of the deceased and subsequent disclosure statements of co-accused. Apart from these disclosure statements, no substantive evidence directly implicating the petitioner in the incident, has been brought to the notice of this Court by the learned State counsel.

12. It is settled law that disclosure statements of co-accused, without independent corroboration, are of limited evidentiary value. The absence of any direct motive, the fact that the complainant has been examined, the protracted nature of the trial, and the clean antecedents of the petitioner are all relevant considerations.

13. In the facts and circumstances of the case, further incarceration of the petitioner would serve no useful purpose, particularly when the trial is unlikely to conclude in the near future and the petitioner has no previous criminal antecedents.

14. Accordingly, the present petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

15. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

16. **Petition stands disposed of.**

Pending misc. application(s), if any, also stand disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**July 30, 2025**

*J.Ram*

*Whether speaking/reasoned:* Yes/No

*Whether Reportable:* Yes/No