



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-29143 of 2025

Reserved On: 27.10.2025
Pronounced On: 30.10.2025

Giriraj

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Amrindra Pratap Singh, Advocate
for the petitioner(s).

Ms. Deepali Verma, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 302, 120-B, 216, 303 and 34 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, and Section 25 of the Arms Act, 1959, the FIR No. 60 dated 04.03.2018 has been lodged in Police Station Sector 37, District Gurugram. This is third petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. During the course of investigation of above mentioned case, the petitioner was arrested on 08.07.2018. The petitioner is in custody since then, and therefore, he has approached this Court, for the concession of bail, by virtue of present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

FIR of this case came into being on the statement of Ramavtar, hereinafter being referred to as “complainant” only. In his statement, it was stated by the complainant that on 03.03.2018 at about 5:30 P.M., he along with his cousin, namely Parvesh, aunt-Dhanpali and niece-Lucky Bhati was going towards Mohammadpur Jhadsa in Fortuner car bearing registration No. HR-26-BV-5151. According to complainant, the car belonged to his cousin-Parvesh, who was driving the same and he was on co-driver seat. The complainant has further stated that on the way, one black Bolero Pick-up came from behind and when it was overtaking their car, and came parallel to it, Giriraj son of Khushi Ram, who was sitting on co-driver seat of Bolero Pick-up, fired a gunshot which hit the right side of the head of Parvesh. According to complainant, with the help of hand brake, he managed to stop the car and observed that on Bolero Pick-up, two persons were standing on rear side whom he can recognize if produced before him. As per complainant, due to bullet injury Parvesh had passed away.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is innocent, who has been falsely implicated in the present case, and that the falsity of the allegations of family members of the complainant can be gauged from the fact that after registration of the FIR, the daughter of deceased, namely Lucky Bhati had submitted a complaint on 13.07.2018, wherein she stated that in the above mentioned incident, Vikram, brother of Giriraj was also involved. As per learned counsel for the petitioner during the course of investigation, the above-mentioned claim of Lucky Bhati has been found to be false.

6. In addition to above, the learned counsel for the petitioner has also argued that the former bail petition of the petitioner was not decided on merits as it was withdrawn by the learned counsel for the petitioner on 02.05.2025. According to learned counsel for the petitioner, the petitioner has already suffered a very long incarceration for being in custody for a period of more than seven years & three months. As per learned counsel for the petitioner, trial is not likely to be concluded in near future as majority of witnesses are yet to be examined. While referring to the principles of law that bail is rule and jail is an exception, the learned counsel for the petitioner has argued that merely on the ground that there are allegations of commission of murder against the petitioner, he cannot be forced to suffer long incarceration as till proved guilty he is presumed to be innocent.

8. Per contra, the learned State counsel has argued that firstly, the present petition is third bail petition of the petitioner which is not maintainable in view of the fact that from the date of dismissal of former bail petition, on 02.05.2025, no significant change in material circumstances has taken place. The learned State counsel has further argued that the petitioner is a hard-core criminal, who, as per custody certificate, has already been convicted for the commission of offence punishable under Section 302 IPC and in addition to that, he is facing prosecution in various cases under Sections 302, 307, 398 etc. of IPC.

9. The learned State counsel has further argued that in the present case, one of the most significant factor to be noted is that the present offence was committed by the petitioner when he was on parole in another case under Section 302 IPC. The learned State counsel has also argued that in the

present case, the deceased has been killed by the petitioner merely because he was pursuing the case of his uncle, who was killed by the petitioner and the petitioner was facing trial for the same. According to learned State counsel, the deceased was the third victim, belonging to the same family, who has been killed by the petitioner, and that the only motive behind the killing of the deceased was to eliminate the witness/person who was pursuing family litigation. In view of above, the learned State counsel has argued that if the petitioner is released on bail there will be a serious threat to other family members, who happens to be the eye-witnesses of the occurrence.

10. The record has been perused carefully.

11. In the present case, although this fact is true that the petitioner has already suffered incarceration for a period of more than seven years & three months, and the trial has not yet been concluded, but at the same time, this fact cannot be ignored that the allegations against the petitioner are that in addition to the victim in the present case, he has eliminated two persons who were pursuing litigation with regard to commission of offence punishable under Section 302 IPC against the petitioner. Although, this Court is conscious of the fact that the petitioner has a fundamental right of life and liberty, yet, at the same time, the possible threat to the other persons of society, due to release of petitioner cannot be ignored. This fact is proved on record that the petitioner has already been convicted for the commission of offence punishable under Section 302 IPC, and that in the former case when he was undergoing sentence, he was released on parole and during the said parole period he is alleged to have committed the present offence.

12. Taking into consideration the above-mentioned peculiar facts, the act and conduct of the petitioner, it is hereby held that the petitioner is not entitled for the benefit of bail.

13. Be that as it may, another relevant factor to be taken into consideration is that this is third bail petition moved by the petitioner and the second bail petition was dismissed on 02.05.2025. There is nothing on record to show that from the date of dismissal of above-mentioned petition, any significant change in the material circumstances has taken place.

13. As a sequel to observations made in the foregoing paragraphs, it is hereby held that the instant petition for bail is devoid of merits and deserves dismissal. Hence, the present petition is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

October 30, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No