

2025:PHHC:124538



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

**CRM-M No.28791 of 2025
Date of Decision: 11.09.2025
Reserved on: 02.09.2025**

Vinay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kunal Dawar, Advocate,
for the petitioner (Through V.C.)

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

Mr. Zorawar Singh Chauhan, Advocate,
for the complainant.

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.176 dated 01.10.2023 registered under Sections 148, 149, 302, 323, 324, 379-B, 452 and 506 of IPC (Sections 325, 120-B and 201 of IPC added later on) at Police Station Tigaon, District Faridabad, Haryana. The first petition filed by the petitioner bearing CRM-M No.44424 of 2024 had been dismissed by this Court vide order dated 07.11.2024.

2. The aforementioned FIR was registered on the allegations

2025:PHHC:124538



that on 01.10.2023, the persons named therein along with some other persons unknown to the complainant had entered into his house and had opened an assault upon his family members and himself. Injuries were caused to the father and other family members of the complainant by the assailants with the weapons which they were carrying. His father Sh. Prabhunath had succumbed to the injuries. The motive was election rivalry and dispute over leaving the cattle of some of the assailants in the agriculture land of the complainant thereby causing loss to the crops. The petitioner was not named in the FIR and was nominated as an accused on the basis of disclosure statements suffered by the co-accused Mohit and Ravinder. He was arrested on 07.12.2023 and is presently facing trial along with the co-accused for commission of aforementioned offences. The previous petition as filed by him had been dismissed by this Court by making the following observations:-

“7. As per the allegations, on 01.10.2023, the co-accused and the present petitioner hatched criminal conspiracy and also formed membership of an unlawful assembly. In prosecution of common object of that unlawful assembly, the petitioner and co-accused had gone towards the place of occurrence and had opened an attack upon the complainant and his family members and caused injuries to them. Father of the complainant namely Prabhunath succumbed to the injuries sustained by him at the hands of the co-accused and had died. The petitioner is alleged to have given fist blows and kicks to the sisters of the complainant. The name of the petitioner had been taken by the co-accused Mohit. Simply because of the fact that he had not been named at the time of lodging of the FIR

2025:PHHC:124538



does not entitle the petitioner to be released on bail. Huge number of assailants had opened attack upon the members of the complainant party and the names of some of them might have skipped attention of the injured witnesses while recording their statements. The petitioner being part of such conspiracy and of that unlawful assembly along with the co-accused is alleged to have been actively participated in the occurrence which resulted in homicidal death of the victim and injuries to the complainant and his other family members. The allegations against the petitioner are serious in nature. Keeping in view the gravity thereof, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.”

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is in custody since 07.12.2023. The trial will take considerable time to conclude since none out of 46 witnesses cited in the challan has been examined so far. More so, there is a change in circumstances after dismissal of his previous petition as the co-accused Om Dutt Saini and Rohit Mandiya whose case is on similar footing have been granted concession of regular bail. Even complainant Rajesh Singh and injured victim Guddi have sworn affidavits exonerating the petitioner from the allegations. None of the injured witnesses named him or attributed any injury to him. Even in the disclosure statement of the co-accused Mohit, the only role attributed to him is of his

2025:PHHC:124538



being present at the spot at the time of occurrence. As per the allegations also, he had given only fist and kick blows to injured Gunjan and Swati and no injury whatsoever had been caused to the deceased by him. His further incarceration would serve no useful purpose. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant that the previous petition as filed by the petitioner was dismissed after passing of detailed order and discussing all aspects of the case. There is no substantive or specious change in the circumstances. The allegations against the petitioner are serious in nature. Not only his presence at the spot has been established but the role he played in the occurrence has also been revealed. There is nothing to show that there would be any undue delay in conclusion of the trial. The case of the petitioner cannot be stated to be at parity with the case of the co-accused who have been 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. As per the allegations, a conspiracy was hatched by the petitioner and the co-accused to assault the family members of the complainant and in pursuance of the same, on 01.10.2023, the petitioner and the co-accused formed membership of an unlawful assembly and in prosecution of common object of that assembly, they had opened an assault upon the complainant and his family members and had caused injuries to

2025:PHHC:124538



them. Injuries sustained by father of the complainant had resulted in his homicidal death. The petitioner was not named in the FIR and his name had been taken for the first time in the disclosure statements of co-accused Mohit and Ravinder. As per the disclosure made by accused Mohit, the petitioner along with himself and three more persons had reached at the spot of occurrence and had attacked victim Guddi and her family members and caused injuries to them. The disclosure of co-accused Ravinder was also to the same effect. The petitioner has placed on record copies of statements of injured Gunjan, Swati and Guddi as recorded under Section 161 of Cr.P.C. which show that they did not attribute any injury to the petitioner and also did not say anything about his presence at the spot. The petitioner has placed on record Annexures P-11 and P-12 copies of an affidavits shown to be sworn by the complainant Rajesh Singh and his mother Guddi respectively showing that the petitioner, co-accused Rohit Mandelya and one Aniket had not caused any injuries to them or their family members. Though during the course of arguments, learned counsel for the complainant has resisted the prayer made by the petitioner for grant of bail but no argument has been raised to the effect that the above mentioned affidavits have not been sworn by them. These affidavits are shown to have been sworn after the dismissal of the first petition as filed by the petitioner not only in favour of the present petitioner but in favour of accused Rohit Mandelya, who has been extended benefit of bail. Taking into consideration the fact that the name of the petitioner had not been nominated by either of the victims/eye-witnesses and

2025:PHHC:124538



he has been nominated as an accused on the basis of disclosure statements of the co-accused and that he is in custody since 07.12.2023, that no specific act or injury on the person of deceased was attributed to him, on parity and the above discussed facts, this Court is of the considered opinion that a case is made out in favour of the petitioner seeking his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) He will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) The petitioner shall not commit any offence similar to the offence of which he is an accused.
- (iv) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (v) Any infraction shall entail in withdrawal of the benefit granted by this court.

7. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

8. It is made clear that any observation made herein above is only

2025:PHHC:124538



for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

11.09.2025
manju

(MANISHA BATRA)
JUDGE

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