

2025:PHHC:033943



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

219 (two cases)

CRM M-36804 of 2024 (O&M)

Date of Decision: 11.03.2025

(1) Vikas Chauhan @ Sonu Chauhan and another ...Petitioners
Versus
State of Haryana ... Respondent

CRM M-24313 of 2024 (O&M)

(2) Sanjay ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gaurav Singla, Advocate
for the petitioners in CRM M-36804-2024.

Mr. Rambilas Gupta, Advocate, for the petitioner
In CRM M-24313 of 2024.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two bail petitions, i.e., CRM M-36804-2024 titled as “**Vikas Chauhan @ Sonu Chauhan Vs. State of Haryana**” and CRM M-24313-2024 titled as “**Sanjay Vs. State of Haryana**”, whereby, the petitioners have applied for grant of regular bail under Section 439 of the Cr.P.C. in case FIR No. 0139 dated 26.10.2022 under Sections 148, 149, 302, 323 and 427 of IPC

(Sections 325, 201 and 120-B IPC added later on) registered at Police Station Bhupani, District Faridabad.

2. The FIR in the present case was registered on the basis of the complaint filed by Deepika Yadav wife of Mohit Yadav and the same has been reproduced below:-

*“To, The SHO, Police Station Bhupani, Faridabad. Sir, it is requested that I Deepika Yadav wife of Sh. Mohit Yadav son of Late Sh. Dilip Yadav am resident of village Deha, Bhupani Faridabad. On dated 25/26.10.2022 time about 12:00 I was waiting for my husband, I was standing on roof in my house, then I heard a voice of noise of some quarrel from west side. From them one man's voice heard that Mohit is here beaten him, then, after hearing the noise of quarrel, I have reached quarrel place from the house immediately, then I have seen that Mukesh and their sons Kunal and Karan, resident of village Riwajpur, brother in law of Mukesh namely Amit and alongwith 4-5 persons were more. I have seen that they were beating my husband Mohit and Naveen son of Manoj, then I raised a noise '**bachao-bachao**', then they tried to run. After hearing a noise my brother-in-law (devar) Bharat Yadav also came on the spot, then thereafter the police party were also came on the spot. When all these were running, then, iron rod, Kulhari and sticks (dande) were in their hands, then immediately, the police party my husband and Naveen went to the H.K. Hospital, Faridabad, where after checking by the doctor my husband declared as dead. And another boy Naveen referred. Those people also*

damaged our car Baleno HR-29-AU-3004. Sir, it is requested that my husband Mohit Yadav has died from attack of above mentioned persons. Please, it is requested that strict legal action should be taken against these persons. Thanks Sd/- Deepika Yadav W/o Mohit Yadav, resident of Village Deha, Bhupani, Faridabad-9953910960 dated 26.10.2022”.

3. Learned counsel appearing on behalf of Vikas Chauhan @ Sonu Chauhan and Lokesh Chauhan @ Vicky Chauhan (petitioners in CRM M-36804 of 2024) submitted that in the present case, the complainant herself claimed to be an eye witness of the occurrence and had got registered the FIR by naming Mukesh, Kunal, Karan and Amit as the accused in the present case. However, neither the petitioners were named in the FIR nor they had any connection with the crime in any manner. He further contended that as per the police investigation, it was found that Mukesh and Kunal, i.e., the accused named by the complainant, were not at all present at the place of occurrence and the complainant had falsely named them. Apart from that, as per the CCTV footage of the place of occurrence, the police had reached the place of occurrence at 12.05 a.m. on the night intervening 25/26.10.2022, whereas, the complainant had reached at the place of occurrence at 12.08 a.m. Consequently, the complainant has falsely claimed herself an eye witness in the present case. Learned counsel next contended that the petitioners were arrested in the present case on 21.03.2024 and are in custody since then. Even, the

injured Naveen and all other material witnesses have already been examined and the petitioners are not in a position to tamper with the prosecution evidence. Learned counsel further contended that the similarly placed co-accused Shubham Chauhan and Nishant have already been granted the concession of bail by a Co-ordinate Bench of this Court vide order dated 19.01.2024 (Annexure P-2). Similarly, other co-accused Sumit, Vishal, Vinay, Rahul Chauhan, Harash, Abhishek, Raj Kumar @ Bhola @ Raj Kumar Chauhan have already been granted the concession of regular bail by a co-ordinate Bench of this Court vide orders (Annexures P-3 to P-7), respectively. Even, the petitioners are at par with them and deserved to be enlarged on bail.

4. Learned counsel appearing on behalf of Sanjay (petitioner in CRM M-24313 of 2024) also made similar submissions. He also submitted that even the petitioner was not named in the FIR and like the other co-accused, he was also named by his co-accused in their disclosure statements. He further contended that even the petitioner was arrested in the present case on 16.01.2023 and is in custody for the last more than 02 years. Further, the only allegation against him is that he had conspired with the other co-accused to commit the alleged crime. However, the recovery of a bamboo stick was wrongly planted on him. He further refers to the postmortem report (Annexure R-51) and submitted that Mohit Yadav, since deceased, had suffered only two injuries, whereas, the complainant

has arrayed so many accused in the present case. This clearly falsifies the version of the complainant in the present case.

5. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioners and submitted that even though the names of the petitioners were not mentioned in the FIR, but they had been arrested on the basis of the disclosure statements suffered by Karan, co-accused. In fact, Karan and Sanjay were searching for the deceased and had assaulted the deceased with *lathies* and *dandas*. Even, as per the tower location of the mobile phone of the petitioners, they were present at the spot.

6. Learned counsel appearing on behalf of the complainant further vehemently argued that in the present case, the police was hand in glove with the accused and the SHO of Police Station Bhopani was in touch with the accused in the present case. Even, the petitioners were in a position to influence the witnesses of the prosecution and they may not be granted the concession of bail by this Court.

7. I have heard learned counsel for the parties and perused the record.

8. In the present case, Sanjay, petitioner was arrested on 16.01.2023 whereas the petitioners Vikas Chauhan @ Sonu Chauhan and Lokesh Chauhan @ Vicky Chauhan were arrested by the police on 21.03.2024 and are in custody since then. Even, the other similarly

placed co-accused, namely, Shubham Chauhan, Nishant, Sumit, Vishal, Vinay, Rahul Chauhan, Harash, Abhishek and Raj Kumar @ Bhola @ Raj Kumar Chauhan have already been granted the concession of regular bail by a co-ordinate Bench of this Court vide orders (Annexures P-2 to P-7), respectively. Moreover, in the present case, the injured Naveen and other material witnesses have already been examined by the prosecution. Since several accused have already been granted the concession of bail by this Court and there has been no tampering with the prosecution evidence, the petitioners may also be ordered to be released on bail. Still further, the prosecution is yet to establish the involvement of the petitioners in the crime, during the course of trial and at this stage, keeping in view the roles assigned to the petitioners, the material collected during the course of investigation and the period of their incarceration, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

11.03.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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