



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

221

CRM-M-43019-2024

Date of decision: March 11th, 2025

Avinash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhanu Udai, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a fourth petition filed by the petitioner seeking the concession of regular bail in FIR No.255 dated 10.03.2020 under Sections 302, 341, 34, 324, 201 of the Indian Penal Code, 1860 and Section 25 of the Arms Act registered at Police Station Model Town, District Panipat.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 11.03.2020 in a case of false implication. It has been submitted that the petitioner was not named in the FIR in question although two of the accused were named and attributed specific injury on deceased Shubham and his friend Vijay. It has been contended that despite the petitioner's long incarceration, the trial has not yet concluded as only five witnesses have been examined out of the 24 cited by the prosecution. Hence, on this ground along, the petitioner deserves to be extended the concession of bail, more so when the complainant and the stamped witness Vijay has been examined.

3. *Per contra*, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner, however, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1 and stands reproduced hereinunder:

“Copy of writing attached. To, the SHO Sahib, Police Station Model Town, Panipat. Sir. 1, Ramesh Kumar Singh son of Ramyash Singh, Caste Rajput, resident of Village Bhairav Pandey Kaipurva P.O. Chatoh Station Narosabad, District Rai Bareilly, Uttar Pradesh, now resident of house on rent of Naresh Kumar, Hari Nagar, Panipat. I have two sons and one daughter. My youngest son is Shubham Singh @Golu whose age was 19 years. Few days back my son Shubham had a verbal fight with Momin and Nima and other companion on some point, today dated 10.03.2020, my son Shubham along with his friend. Vijay son of Suresh Kumar, resident of Hari Nagar, Panipat on bullet motorcycle had gone from Hari Nagar to Machhli Market. Vijay was driving the motorcycle. Shubham was sitting at the back and when they reached the culvert ('Puliya) of Saini Colony, then Momin, Nima and their companion stopped their bike. Due to earlier verbal fight from Shubham they had knife in their hands and bricks and caused injuries to Shubham and Vijay. I was going to home, on seeing the fight I reached there, Momin who was having knife in his hand put it into stomach of Shubham and Nima who was having knife in his hand put it into back of my son Shubham and their companion who were having bricks in their hands gave injuries, when Vijay tried to rescue Shubham then all of them gave injuries to Vijay. I shouted

Bachao Bachao, then crowd gathered and on seeing that Nima, Momin and other companions ran away from the spot along with weapons. I along with help of other persons brought Shubham and Vijay to Government Hospital, Panipat, where doctor told my son to be dead which: Momin, Nima and other companions had killed my son Shubham with knife. Legal action be taken against them.”

4. Learned State counsel, on instructions, has submitted that although the petitioner was not specifically named in the FIR in question, however, he was the third person, who was accompanying the main accused and had actively participated in the occurrence in question; the petitioner was duly identified by the complainant (father of the deceased) as well as injured witness Vijay, who too was inflicted multiple knife blows as well as brick bat blows by the accused person, including the petitioner. Learned State counsel has, therefore, urged that it is an eyewitness account and the petitioner along with the co-accused have not only been identified by the material witnesses i.e. the complainant and injured witness Vijay, the petitioner's prayer for grant of regular bail deserves to be declined as in the circumstances, there is a genuine apprehension that the petitioner could abscond during the trial. It has also been brought to the notice of this Court by the learned State counsel that petitioner-Avinash is booked in two other criminal cases including one in the State of Bihar. Furthermore, it has been asserted by the learned State counsel that no doubt, all the material witnesses have been examined, which leaves only 13 witnesses to be examined and not five, as has been urged by the learned counsel for the petitioner.

5. I have heard learned counsel for the parties and perused the relevant material on record.
6. The instant case is based on eyewitness account. The father of the deceased witnessed the occurrence in question and immediately reported the crime to the police and also admitted the deceased as well as injured witness Vijay into the hospital. As per instructions received, all the material witnesses stand examined and have supported the case of the prosecution in its entirety including identifying the petitioner as being the third person, who was accompanying the two co-accused.
7. In the facts and circumstances as enumerated hereinabove, coupled with the stage of trial and also the criminal antecedents of the petitioner, no ground is made out for extending the concession of bail to the petitioner.
8. Accordingly, the instant petition stands dismissed.
9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 11th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No