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

**CRM-M No.40568 of 2025
Date of decision : 04.08.2025**

Ashu @ Yash**.....Petitioner**

versus

State of Haryana**..... Respondent**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurmohan Singh Bedi, Advocate;
Mr. Pawandeep Singh, Advocate;
Ms. Ambika Bedi, Advocate and
Ms. Manpreet Kaur, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.102, dated 06.04.2023, under Sections 148, 149, 323, 324, 302 & 506 of IPC, 1860, registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Aditya Kumar. It was alleged that on 05.04.2023, at about 5:00 P.M., when he was present at home, his friend, namely, Vishal called and informed him that his car ran out of fuel and asked him to bring petrol from the petrol pump. He got filled petrol in a can from the petrol pump and reached at the spot of Vishal. When they were filling petrol from the can, 6 boys came in 02 different motorcycles, namely, Shekhar, Abhishek, Ashu @



Yash (petitioner), etc. armed with *swords* and *dandas*. They surrounded them and when Vishal tried to escape, Shekhar gave a *sword* blow on his head. Abhishek also gave a *sword* blow on the neck of Vishal, who fell down on the road. Rest of the boys also attacked Vishal with *dandas* and *bindas*. He tried to intervene and also suffered injuries in the incident. After committing the offence, all the accused escaped on their motorcycles. They were shifted to Gaba Hospital, Yamuna Nagar, where he, i.e. Vishal was declared dead. The request was made to take legal action against all the culprits. On registration of the FIR, the investigation commenced. The postmortem of the dead body was conducted and MLR of the complainant was also prepared. The petitioner was arrested on 07.04.2023. On completion of the investigation, the challan was presented and on framing of the charge, the trial commenced. The petitioner approached the Court of learned Sessions Judge, Yamuna Nagar, praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Yamuna Nagar declined the petition filed by the petitioner vide order dated 04.04.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M No.39296 of 2024 praying for the grant of bail, however the same was allowed to be dismissed as withdrawn vide order dated 21.08.2024. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that as per the case of prosecution itself, the complainant is the



eye-witness of the occurrence and he has alleged that the petitioner was along with other co-accused persons, however no overt act has been attributed to the petitioner. He has submitted that co-accused, namely, Shekhar was alleged to have given the fatal blow to the deceased. He has submitted that the complainant, namely, Aditya Kumar, has been examined before the learned trial Court as PW-8 wherein he had deposed that the petitioner had caused him *danda* blow whereas in his statement recorded before the police, he had not recorded the same and thus, there is a major improvement made by him. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case and the material witnesses already stand examined. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has duly participated in the alleged occurrence. He has submitted that the petitioner was specifically named in the FIR. He has submitted that the complainant has been examined as PW-8 and he has supported the case of prosecution. He has thus submitted that the petitioner does not deserve the concession of bail. He has submitted that out of total 17 prosecution witnesses, 09 witnesses have been examined. He has placed on record custody certificate of the petitioner dated 01.08.2025 today in the Court and the same is taken on record. He has submitted that no case for the grant of regular bail to the petitioner is made out.

5. Heard.



6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the complainant in the present case is the eye-witness of the occurrence. The petitioner is alleged to be the part of unlawful assembly, however the fatal blows have been alleged against the co-accused. Custody certificate produced would show that the petitioner has completed incarceration of 02 years, 03 months and 23 days as on 01.08.2025. It further reflects that the petitioner has no criminal antecedents. Out of total 17 prosecution witnesses, 09 witnesses have been examined till date.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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