

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

2025:PHHC:119990



**210**

**CRA-S-2429-2025**

**Date of decision: 04.09.2025**

**Arjun Singh Chauhan @ Pawan @ Bunty** ....Petitioner  
V/s

**State of Haryana and another**  
....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present:- Ms. Gagandeep Kaur, Advocate for the petitioner(s).

Mr. Gurmeet Singh, AAG, Haryana  
for respondent No.1.

Mr. Parveen Chauhan, Advocate  
for respondent No.2/complainant.

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**SUMEET GOEL, J. (ORAL)**

1. Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.289 dated 04.11.2021, registered for the offences punishable under Section 120-B, 148, 149, 302, 201 IPC, Section 25 of Arms Act, 1959 & [Section 3 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) added lateron] at Police Station City Kosli, District Rewari.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*"To the SHO, Police Station Kosli, District Rewari. Sir, Respectfully submits that I, Sushma Devi w/o Ashok Kumar am resident of Village Bhakli, Police Station Kosli, District Rewari and I do household chores. My son Yashdev alias Ishu and his friend Akshay alias Badshah s/o Anup, resident of Bhakli, both had gone to market Kosli for Diwali shopping in their CRETA car bearing No.HR-10-AE-5358. While returning home, when they sat in the car, then some 05 to 07 persons started blind firing. By putting both of them in the same vehicle, Kapil, Aman, Sunil alias DC Bhakli brought them at Pushpanjali Hospital, where doctors after checking, declared them dead. On 25.08.2021, Yashdev alias Ishu was attacked with volley of firing while, going home on the road in front of Bhupender's office but on that day, he got success in saving his life. Police inspected the spot, from where, an empty case, a pistol and live rounds were found and FIR No.219 was registered. On alleging names of persons in said FIR, police have arrested Himanshu s/o Virender alias Colonel and 03 others till now. When these people committed some other incident in Kosli then they were arrested. During this, Virender alias Colonel s/o Harish Chantler, r/o Village Bhakli threatened that his son has gone to jail but before his coming out, he will get Yashdev alias Ishu killed. Bhakli's Fauji Jokhi, Parvez Dhaniya, Deepak Amboli, Daku Salhawas, Golu alias Sachin, r/o Ry. St. Kosli have formed a gang, whereas the main kingpins are Praveen Panghal and Virender alias Colonel, r/o Bhakli, who is a liquor businessman. A sister-in-law of Virender alias Colonel, r/o Bhakli is involved in all these activities. Yashdev alias Ishu was threatened by these people. He was threatened from jail as well. The deceased Yashdev belonged to Ahir caste and Akshay belonged to Dhanak caste. I suspect that both of them have been killed by said persons. Therefore, it is requested that strict action may kindly be taken against the persons who killed my son. Dated 04.11.2021. Father Ashok Kumar. Copy to: D.S.P. Kosli, SP Rewari. Complainant Sd/- Sushma Devi w/o Ashok Kumar, Mob No.8901732327."*

3. Learned counsel appearing for the appellant submits that the appellant is in custody since 17.11.2021. Learned counsel for the appellant

has iterated that the appellant has been falsely implicated into the FIR in question. Learned counsel for the appellant has further argued that there is a long list of 40 witnesses, out of which only 6 have been examined till date. Learned counsel for the appellant has further argued that the FIR-complainant Sushma Devi has already been recorded as a prosecution witness. Learned counsel for the appellant has further argued that the appellant is not named in the FIR. Learned counsel for the appellant has further argued that the appellant has been involved primarily on the basis of a disclosure statement of co-accused namely Parveen @ Panghal, who has been extended concession of regular bail by this Court vide order dated 24.04.2025 passed in CRA-S-3363-2025 (Annexure P-6). He has further iterated that two private prosecution witnesses namely parents of the deceased Akshay @ Badshah are yet to be examined, but they are not the eye witnesses to the offence in question. Thus, regular bail is prayed for.

4. Learned State counsel as also learned counsel for respondent No.2-complainant have opposed the present appeal by arguing that the allegations raised against the appellant are serious in nature. Learned counsel for the State further iterated that on the basis of disclosure statement of one Parveen @ Panghal (co-accused) a fire arm was recovered from the appellant and the ballistic report thereof does indicate that the said weapon was used in the murder. Learned counsel for the respondents have further argued that two private witnesses namely parents of deceased Akshay @ Badshah are yet to be examined as a prosecution witness. Learned counsel for the respondents have, accordingly, argued that there is one more FIR against the appellant and, thus, the appellant ought not be

extended the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 03.09.2025 in Court, which is taken on record.

Learned State counsel has also filed short reply by way of affidavit of Shri Vidyanand, HPS, Deputy Superintendent of Police, Kosli, District Rewari on behalf of the respondent-State, which is taken on record, relevant whereof reads as under:

*“3. That in compliance of The Order Dated 27.08.2025 passed by THE HON'BLE COURT, the investigation agency had duly informed Sushma mother of deceased Ishu and Anup Singh father of deceased Akshay @ Badshah (being the LR's of the deceased) vide issuing Notice in this regard and informed them that the present petition above-mentioned is fixed for 04.09.2025 before The Hon'ble High Court. That the true translation of the Notices issued to Sushma Devi and Anup Singh are attached as Annexures R-1 and R-2.”*

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The appellant was arrested on 17.11.2021 and is in continuous custody since then. After culmination of investigation challan was presented on 13.11.2022 wherein 40 prosecution witnesses have been cited. It is not in dispute that only 6 prosecution witnesses have been examined. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

*“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.*

*19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”*

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage *lest* it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per custody certificate filed today, the appellant has undergone 3 years, 9 months and 12 days. Further, as per the said custody certificate the appellant is shown to be involved in one more case registered under Section 307 IPC. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner

in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioners in custody is not required in the facts and circumstances of the case.

7. In view of the above, the appeal is allowed. The appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cell phone numbers to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number

without prior permission of the trial Court/Illaq Magistrate.

- (vii) The appellant shall not in any manner try to delay the trial.
- (viii) The appellant shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the appellant is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(SUMEET GOEL)**  
**JUDGE**

September 04, 2025  
*Naveen*

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