



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-50931-2025

Date of Decision : 11.12.2025

LAKHBIR @ LAKHA @ NAVEEN

...Petitioner

VERSUS

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Deepak Kundu, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This is second petition for grant of bail filed by petitioner u/s 439 Cr.P.C., in case bearing FIR No.85 dated 13.03.2023 registered against him at Police Station Urban Estate, District Rohtak, for the commission of offences punishable u/s 120-B, 201, 202 of IPC. The earlier petition bearing CRM-M-47609-2024 was dismissed as withdrawn, vide order dated 25.02.2025.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Ramesh, son of Darya Singh, resident of village Kharawar, District Rohtak, an agriculturist by profession, set the criminal law in motion by filing a complaint mentioning therein that he does not has any child. His elder brother, namely, Ram kishan's daughter – Krishna has been living in their village Kharawar along with her both sons. Her elder son, namely, Arun is aged about



20 years and younger son, namely, Akash is 16 years of age. Arun was studying in Class 12 and mostly used to spend his time in the house of his friend – Nishant @ Nishu, son of Rajesh @ Raje. In the morning of 12.03.2023, Arun left for Nishant's house in Village Bohar. Around 09.00 AM, he (C) received an information that someone has shot Arun, who is admitted in the Trauma Centre at PGIMS, Rohtak. Immediately thereafter, he along with other family members reached at Hospital, where Arun was undergoing treatment on account of having suffered bullet injury on his forehead. Complainant next pointed out that Arun had been shot at Nishant's house by unknown persons and that unfortunately, the young boy was declared Dead during treatment. Towards the end, he (C) requested to find out all those, who were involved in the incident, as also to initiate appropriate legal proceedings against them.

On the basis of said complaint, a formal case vide FIR No.85 dated 13.03.2023, u/s 120-B, 201, 202 of IPC, was registered.

During investigation, police officials visited the spot, site plan was prepared, blood stained cloth from sofa where Arun was shot was taken into possession. Postmortem examination of the dead body got conducted. As per report, deceased had died due to Gunshot injuries.

On 13.03.2023, complainant suffered a supplementary statement mentioning therein that, earlier in the day as he was in a state of shock, certain material aspects of the case escaped his attention. In this context, he pointed out that on 12.03.2023, he had gone to Sahil's maternal uncle's house in Village Kiloil along with Sahil, son of Jitender. At about 07.00 PM, his grand son Arun called up from his mobile number 9896573542 on the mobile phone of his friend – Sahil (7206961499). Sahil handed over phone to him and Arun told him that he (Arun)



had gone to house of Nishant where he had had a quarrel with Nishant @ Nishu, Naman @ Chhota and **Lakhbir @ Lakha @ Naveen (present petitioner)** and that all of them, who are armed with weapons have threatened to kill him. Immediately thereafter, Arun disconnected the phone. Complainant, thus suspected that all three boys, namely, Nishant @ Nishu, Naman @ Chota and Lakhbir @ Lakha (petitioner) have killed Arun by firing gun shots at him.

On 14.03.2023, present petitioner and Naman @ Chota were arrested, who during interrogation confessed to their involvement and demarcated the place just outside the Trauma Centre, PGIMS, Rohtak, where they had left injured Arun. At the instance of co-accused Naman @ Chota, a country made revolver was recovered. Apart from admitting to his guilt, petitioner got recovered the Scorpio car in which the injured Arun had been brought to the hospital and also got recovered the blood stained underwear. Police authorities noticed that the number plate of Scorpio car had been damaged. Accordingly, Section 201 IPC was added.

Further investigation revealed that one of the accused, namely, Nishant @ Nishu was not present at the spot. Accordingly, Section 114 IPC was deleted. It also came to notice of the police authorities that Nishant @ Nishu had destroyed the DVR of CCTV cameras installed at his house, as also his mobile phone. Resultantly, Section 202 IPC was added.

Customer Application Form (CAF), Call Detail Records (CDR), tower location etc. of all the three accused including the petitioner were obtained, which indicated that they all were present in the same area with the deceased. It is further the case of the prosecution that revolver recovered at the instance of co-accused Naman was found to be in working order, as also the bullet which had



been recovered from the body of the deceased had been sent to FSL for examination. The experts opined that the said bullet was fired from a country made revolver recovered at the instance of co-accused – Naman @ Chota.

On culmination of investigation, challan complete in all respect was filed. Supplementary challan was also filed and charges were framed on 13.03.2024.

3. An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Additional Sessions Judge, Rohtak, in terms of order dated 21.06.2024. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, a young boy, has been falsely implicated in the present case. Falsity of the case set up by the complainant is apparent from the fact that in his initial statement given to the police authorities, he had only mentioned that his grandson Arun (son of his niece Krishna) had been shot in Nishant's house by unknown persons. Later, however, he improved upon his version and introduced a new story that his grandson had called on the mobile phone of one Sahil. The phone call was attended by him(complainant), when Arun told him that he had had a fight with Nishant, Naman and Lakbir @ Lakha (petitioner), all of whom are armed with weapons and thereafter, disconnected the call. Continuing further, learned counsel contends that if the sequence of events had occurred as portrayed by the complainant in his supplementary statement, it remains inexplicable as to how this important fact escaped his attention while lodging the FIR. Furthermore, if petitioner and his friends actually wanted to kill Arun, they would not have rushed him to nearby hospital. Thus, in the worst scenario, it was a freak accident and not intentional



act on the part of petitioner.

Continuing further, learned counsel contends that being aware of false narration of facts, complainant when he appeared in the witness-box as PW-6 resiled from his earlier statement given to the police authorities, was declared 'hostile' and though was subjected to rigorous cross-examination but nothing material to support the case of the prosecution could be elicited therefrom. It is in the light of this development, that learned counsel contends that petitioner was falsely arrayed as accused and on whom false recovery of blood stained underwear was planted only with a view to connect him with the commission of offence.

The second leg of argument raised by learned counsel for the petitioner is that even as per the case set up by the prosecution the fatal injury is not attributed to the present petitioner, according to him co-accused Naman had snatched the country made revolver from the present petitioner and had fired shots at Arun, who died as a consequence thereof.

In the light of submissions advanced hereinabove, learned counsel contends that petitioner, who has been in custody for 02 years and 09 months, deserves a lenient view to be taken in his favour, for out of 29 prosecution witnesses only 10 have been examined and thus, the likelihood of completion of trial in the near future is quite remote. When viewed in the light of submissions advanced hereinabove, as per learned counsel, further incarceration of petitioner in custody would not serve any useful purpose.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel submits that petitioner was actively involved in the entire incident. He in criminal conspiracy with other accused deliberately called Arun (since deceased)



at the house of Nishant, where they all had a verbal altercation after which petitioner tried to fire shot at deceased but could not succeed, the weapon was snatched by co-accused Naman, who fired shots at Arun from close range, as a consequence of which the boy suffered gunshot injuries and unfortunately died in hospital. Though learned State counsel fairly admits that even as per case of prosecution, petitioner, co-accused Naman and Nishant had rushed the injured to the hospital but later had fled away. Learned counsel next contends that Ballistic experts after examining the bullet recovered from body of the deceased with the weapon recovered at the instance of co-accused Naman, opined that the said bullet was fired only from the said country made revolver. In the light of this scientific evidence in the shape of FSL report dated 14.07.2023, simply because complainant did not support the case of the prosecution would not be a ground to raise questionmark on the genuineness of story putforth by petitioner and to draw adverse inference against them. In view of the seriousness of gravity of offence, it has been prayed that no case for grant of bail is made out.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "**Gurbaksh Singh Sibbia V. State of Punjab**", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a



punishment. In two other cases which, significantly, are the ‘Meerut Conspiracy cases’ observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the



detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

8. Factual aspects of the case have already been highlighted in para 2 of this order. In view of the submissions advanced by learned counsel for the petitioner, the role played by the petitioner in the incident, the fact that complainant has not supported the case of prosecution, as also that the likelihood of completion of trial is quite remote, petitioner, who has been in custody since 14.03.2023 and whose past antecedents are quite clean, deserves a lenient view be taken in his favour, for his further incarceration would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

9. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/ two surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. In case, he is unable to arrange local sureties, he is at liberty to deposit the aforesaid amount in the treasury. The petitioner shall further abide by the following conditions:-

(i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.

(ii) The petitioner will not tamper with the evidence during the trial.

(iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

(iv) The petitioner will appear before the trial Court on each and



every date fixed, unless is exempted by a specific order of Court.

(v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

11.12.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No