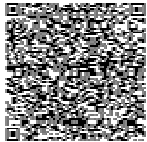


2025:PHHC:147479



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

CRM-M-53109-2025 (O&M)
Reserved on : 28.10.2025
Pronounced on : 30.10.2025

Akash @ Sunny **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

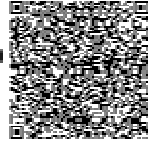
Present:- Mr. Abhinav Gupta, Advocate and
Mr. Jatinder Kumar Kansal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 247 dated 30.05.2024, registered under Sections 147, 149 and 302 of IPC at Police Station Model Town, District Rewari.
2. As per the allegations, on the intervening night of 29/30.05.2024, at about 3-4 AM, the petitioner, who was a friend of Lokesh, son of complainant Yashpal, came to his house and took Lokesh along with him. They had left on the scooty belonging to the complainant and had disclosed to the complainant that they were going to roam around. At about 7 AM, the petitioner came back to his house along with the scooty and while parking the same in front of the house of the complainant told him that Lokesh had fallen from the vehicle and sustained head injury and, hence, was admitted at Virat Hospital. The wife and sister-in-law of the complainant went to the hospital and found that the dead body of Lokesh was lying therein. On making enquiries, they came to know that

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the petitioner along with co-accused Hans Raj @ Hansa, Dharmendra, Raj, Sahil, Sachin and Chirag had taken the victim to the godown of Hansa Gurjar and had inflicted injuries on him with dandas, thereby killing him. The complainant, as such, prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted, as per which, the cause of death was ante-mortem injuries and their complications caused by blunt weapon, homicidal in nature and sufficient to cause death in ordinary course of nature. The petitioner was arrested on the same day. He was interrogated and suffered disclosure statement admitting his involvement in the crime and saying that a conspiracy was hatched by co-accused Bhola, in pursuance of which, the victim was taken by him to the godown of Hansa Gurjar, who was already inimical with the victim and they along with other co-accused had extended beatings to the victim with dandas and caused injuries to him. He further disclosed that after the victim became unconscious, he had taken him in a tempo and left him in front of Virat Hospital. Co-accused were subsequently arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eye-witness to the murder of the victim. The case is based on circumstantial evidence and there is no circumstance to connect him with the crime. In fact, he had taken the victim to hospital. Eye-witnesses, namely Mohammad Arif, Mohammad Murshid and Shekh Jakir Hussain, have turned hostile. No direct incriminating evidence has been collected against the petitioner. He is in custody since long. The trial would take considerable time to conclude. His continued detention would not serve any

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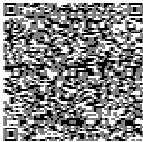
fruitful purpose. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions made by both the sides.

7. The petitioner is alleged to have hatched a conspiracy with co-accused Bhola and Hansa Gurjar and is further alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have opened an assault upon the victim and caused injuries to him, which led to his homicidal death. The petitioner has placed on record copies of the statements of PW-1 Mohammad Arif, PW-2 Mohammad Murshid and PW-3 Shekh Jakir Hussain as recorded before the learned trial Court. A perusal of their statements reveals that they did not support the prosecution version and resiled from their previous statements recorded before the police to the effect that at the given time, they were present in their hutments in the slum area when some persons had extended beatings to the victim and he was lying unconscious or that the petitioner was also present there who was trying to put the unconscious victim on his scooty. They denied that any occurrence had taken place at all in their presence. All these three witnesses were declared to be hostile by the learned trial Court and were allowed to be cross examined but nothing could be extracted from their statements to connect the petitioner with the crime. However, the complainant, who is also a material witness of the case, is yet to be examined. The allegations against the petitioner are quite serious in nature. Simply because of the fact that

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some witnesses have turned hostile, it cannot be stated that the petitioner did not commit the subject offences. Keeping in view the gravity of the allegtaions levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

30.10.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No