

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CRM-M-54761-2024 (O&M)
Date of Decision:- 20.05.2025

SHANKER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

SANJIV BERRY, J. (ORAL)

CRM-43590-2024

Allowed as prayed for.

CRM-M-54761-2024

The instant petition has been preferred by the petitioner under
Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the
following case :-

FIR No.	Dated	Sections	Police Station
11	19.01.2021	395 and 397 IPC; (460, 458, 302, 307 IPC added later on)	Kalanwali, District Sirsa



2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, having no criminal antecedents, has been falsely implicated in this case. He contends that the petitioner is not involved in the alleged occurrence in any manner and no specific overt act attributed to him. While referring to the statement of Smt Parveen Rani, the complainant/eye-witness of the occurrence, examined as PW-2 in the trial Court, learned counsel for the petitioner contends that even she has not lent any support to the case of prosecution against the petitioner. He further contends that even no test identification parade was conducted to connect the petitioner with the alleged occurrence. He submits that the petitioner is in custody since 15.02.2022 and the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner is involved in a heinous crime and does not deserve the concession of bail and prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the prosecution version is that the petitioner along with co-accused had entered the house of the complainant and snatched the earrings of the complainant, however, while running away co-accused fired upon Ankur Verma, who had come to rescue the complainant, resulting in his death. The present petitioner was arrested on 15.02.2022 and consequent upon the arrest of all the accused, challan was presented in Court and the

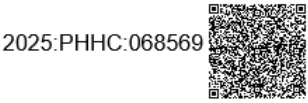


trial is going on.

6. A perusal of record would reveal that the prosecution has cited as many as 52 witnesses in the challan and till date only 02 witnesses have been examined, including the material witness, who happens to be the complainant/eye-witness and in her testimony, the complainant Parveen Rani, while appearing as PW2 has not lent any support to the case of prosecution. She has even went to the extent of saying that the present petitioner was brought to her house by the police for identification purposes, but she had not identified him. Even in the reply filed by the State, it is categorically mentioned that no injury has been attributed to the present petitioner and the gunshot is attributed to co- accused. The petitioner is not having any criminal antecedents and is in custody since 15.02.2022. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion



of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

20.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No