



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

CRM-M-55265-2024

Reserved on: 25th April, 2025

Pronounced on: 29th April, 2025

Ankit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ajay Kripal Singh, Advocate for the petitioner.

Mr. Vikram Singh, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 211 dated 20.06.2023 registered under Sections 148, 149, 307 and 452 of IPC and 25 of Arms Act, 1959 (Sections 216, 302 and 120-B of IPC and Section 25(a) Arms Act, having added later on) at Police Station Bawani Khera, District Bhiwani.

2. Adumbrated facts as emanating from the record are that on 20.06.2023, on receipt of an information regarding admission of one Surjit Singh in Sapra Hosptial, Hisar due to sustaining some firearm injury, a police party reached there and obtained opinion of doctor regarding condition of injured Surjit, who was opined to be unfit to make statement.



The statement of his brother Sandeep was recorded who stated that on the night of 19.06.2023, the victim was sitting outside the room of their neighbourer Sonu. He was having conversation with Rajeev, Pardeep and Sonu. The complainant had gone to call his brother and when he was at some distance, suddenly, a vehicle reached there, 3-4 persons alighted from the same and went towards the room of the victim and started firing shots with firearms while aiming at Surjit. The complainant tried to apprehend them and pistol of one of them had fallen on the ground. However, the remaining persons still fired shots towards them and then they fled. The complainant had identified one of them as Khau, resident of village Sui.

3. Initially, a case under Sections 148, 307 and 452 read with Section 149 of IPC and Section 25 of Arms Act was registered. Investigation proceedings were initiated. During investigation, the victim died on 22.06.2023. Offence under Section 302 of IPC was added. Inquest proceedings and post-mortem examination of the dead body was conducted on 24.06.2023. The complainant recorded his supplementary statement on the basis of which the present petitioner and co-accused were nominated as such. The accused Raghubir was apprehended on 25.06.2023. He suffered disclosure statement on the basis of which offence under Section 216 of IPC was added. Accused Ishwar was arrested on 29.06.2023, whereas, the petitioner was arrested on 30.06.2023. On interrogation, he too suffered disclosure statement admitting his involvement in the crime and got recovered a country made pistol. The co-accused were also arrested. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.



4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. A false recovery of pistol is planted upon him. This pistol was even otherwise not found to be in working condition. The role that has been attributed to him is of keeping vigil when the co-accused were firing shots at the victim. No injury on the person of the victim has been attributed to him. There is no evidence to connect him with the crime. He is in custody since long. The trial is likely to take considerable time to conclude. His further incarceration would not serve any useful purpose. Accordingly, it is urged that he deserves to be extended benefit of bail.

5. Status report has been filed by respondent-State. Learned Assistant Advocate General, Haryana, that there are specific and serious allegations against the petitioner, who by forming membership of an unlawful assembly with the co-accused had actively participated in the occurrence and had caused death of the victim. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. The material witnesses are yet to be examined. Prolonged period of incarceration is not a ground to grant concession of bail to the petitioner keeping in view the gravity of the allegations. Accordingly, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner by hatching a conspiracy and then by forming membership of an unlawful assembly with the co-accused is alleged to have gone to the place of occurrence and as per the allegations, he had kept vigil



at the site of occurrence whereas, the co-accused had fired shots and had injured the victim Surjit, who had died on 22.06.2023. The trial has commenced. Though, no witness has been examined so far and obviously trial will take time. However, mere extended period of incarceration is not sufficient to extend benefit of bail to him. Keeping in view the gravity of allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th April, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No