



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1.

CRM-M No.60405 of 2024 (O&M)
Date of decision: July 3rd, 2025
- Sandeep Kumar @ Banti

.....Petitioner
- Versus
- State of Haryana

.....Respondent
2.

CRM-M No.61002 of 2024 (O&M)
- Naresh Singh

.....Petitioner
- Versus
- State of Haryana

.....Respondent
3.

CRM-M No.2769 of 2025 (O&M)
- Om Parkash alias Kalu

.....Petitioner
- Versus
- State of Haryana

.....Respondent
4.

CRM-M No.6861 of 2025 (O&M)
- Rinku Singh

.....Petitioner
- Versus
- State of Haryana

.....Respondent
5.

CRM-M No.8369 of 2025 (O&M)
- Lokesh

.....Petitioner
- Versus
- State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. D.S. Matya, Advocate
for the petitioners
(in CRM-M-60405-2024 and CRM-M-61002-2024).

Mr. Bipan Ghai, Senior Advocate
with Mr. Nihil Ghai and Mr. Nikhil Thamman, Advocates
for the petitioner (in CRM-M-2769-2025).

Mr. Manu Sachdeva and Mr. Raghav Chhabra, Advocates
for Mr. Abhimanyu Singh, Advocate
for the petitioners
(in CRM-M-6861-2025 and CRM-M-8369-2025).

Mr. Rajat Gautam, Additional Advocate General, Haryana.

Mr. Mukesh Rao, Advocate
with Mr. Shubham Aneja, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

The present batch of petitions is being disposed of by way of this common order, as all the petitions arise out of the same FIR i.e. FIR No.354 dated 26.08.2021 under Sections 148, 149, 323, 325, 452, 307, 302, 506 and 120-B of the IPC registered at Police Station Sadar Nuh.

2. The FIR in question (Annexure P-1 in CRM-M-60405-2024) was registered pursuant to an occurrence, wherein Vipin (since deceased) and others were allegedly assaulted by an unlawful assembly. The petitioners herein, namely Sandeep Kumar alias Banti, Naresh Singh, Om Prakash alias Kalu, Rinku Singh and Lokesh have approached this Court seeking the concession of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

3. It is alleged in the FIR that all the petitioners formed part of an unlawful assembly and were involved in a fatal assault. While the names of the petitioners are contained in the FIR, the initial attribution

of injuries was omnibus in nature, without detailing specific overt acts,

4. Mr. Bipan Ghai, Senior Advocate, learned senior counsel for petitioner Om Prakash alias Kalu, Mr. D.S. Matya, learned counsel for petitioners Sandeep Kumar alias Banti and Naresh Singh and Mr. Manu Sachdeva, learned counsel for petitioners Rinku Singh and Lokesh submit:

- The petitioners have been falsely implicated and no fatal injuries are attributed to them
- As per depositions of the witnesses placed on record, petitioner-Naresh Singh is alleged to have caused injuries on the chest and back of the deceased with a stick; petitioner-Om Prakash alias Kalu is alleged to have given a stick blow on the left hand of the deceased and on the forehead of the complainant; petitioner-Sandeep Kumar alias Banti is attributed a *lathi* blow to the leg and eye of the deceased
- The fatal head injuries have not been attributed to either of the above three petitioners but have been specifically attributed to co-accused petitioners-Lokesh and Rinku Singh (in CRM-M-8369-2025 and CRM-M-6861-2025 respectively).
- The petitioners have been in custody for a significant period-petitioner Naresh Singh since 27.08.2021, petitioner Om Prakash alias Kalu since 10.01.2022, and petitioner Sandeep Kumar alias Banti since 16.06.2022.

5. It has been further contended by the learned counsels that the petitioners have no criminal antecedents and are not involved in any other case.

6. It has also been submitted that co-accused Pawan, who is alleged to have inflicted injuries similar to those attributed to petitioner

Naresh Singh has already been granted bail by this Court in CRM-M-43394- 2024 vide order dated 25.11.2024.

7. Learned counsel for the petitioners Lokesh and Rinku Singh have argued that both these petitioners have also been in custody for a considerable period of time: petitioner Lokesh has been in custody since 03.09.2021 and petitioner Rinku Singh since 12.10.2021. It has been further submitted that the trial is proceeding at a slow pace with only eight out of 63 prosecution witnesses examined so far. Hence, their further incarceration would serve no useful purpose. A prayer has, therefore, been made to enlarge all the petitioners on bail.

8. Learned State counsel assisted by counsel for the complainant has, however, vehemently opposed the prayer and submissions made by the learned counsel for the petitioners. It has been argued that all the petitioners actively participated in both phases of the assault; in the first phase, the deceased succumbed to the injuries sustained by him and later in the second phase, some more persons from the complainant party sustained injuries on their person. It has been submitted that during the first phase of the attack, petitioners Om Prakash alias Kalu and Sandeep Kumar alias Banti were armed with rods, whereas petitioners Lokesh and Rinku Singh assaulted the deceased with *lathis*. Furthermore, in the second phase of the attack, the complainant was also targeted by all the accused party. It has still further been submitted that petitioners Lokesh and Rinku Singh, who were named in the FIR, have been specifically attributed fatal injuries to the head of the deceased and these injuries are *prima facie* corroborated by medical and ocular evidence.

9. However, it has not been disputed by learned counsel for the State, on instructions, as well as counsel for the complainant that all the material witnesses including the injured ones, such as PW Deepak, who allegedly videographed the incident, have been examined. It has also not been disputed that the material witnesses while deposing before the trial Court did not attribute the fatal injuries to petitioners Om Prakash alias Kalu, Sandeep Kumar alias Banti and Naresh Singh. It has further not been disputed that the petitioners have no previous antecedents. Learned counsel for the State, on instructions, has submitted that out of the 63 prosecution witnesses, only eight have been examined till date.

10. I have heard learned counsel for the parties and perused the relevant material on record.

11. Petitioners Naresh Singh, Om Prakash alias Kalu and Sandeep Kumar alias Banti are not attributed with causing fatal injuries. The injuries attributed to them, although not trivial, are not on vital parts of the body of the deceased and do not appear to be the immediate cause of death.

12. In contrast, petitioners Lokesh and Rinku Singh are specifically named in the testimonies of the eyewitnesses as the assailants, who inflicted fatal head injuries on the deceased. These allegations are *prima facie* corroborated by medical and ocular evidence. Petitioners Naresh Singh, Om Prakash alias Kalu and Sandeep Kumar alias Banti have been in custody since a significant period of time and have no prior criminal record. A parity has been drawn qua these three petitioners with co-accused Pawan, who has already been

granted bail in similar circumstances and thus it strengthens the case of these three petitioners to be enlarged on bail at this stage.

13. However, petitioners Lokesh and Rinku Singh stand on a distinctly different footing, and cannot claim parity with the other co-accused given the specific, grave and fatal injuries attributed to them.

14. The trial has admittedly been pending since long, but the nature of the role and the weight of evidence must override the consideration of delay for petitioners Lokesh and Rinku Singh at this stage.

15. In the light of the above, this Court finds deems it fit to extend the concession bail to petitioners Sandeep Kumar alias Banti, Naresh Singh and Om Prakash alias Kalu. Accordingly, CRM-M-60405, 61002-2024 and CRM-M-2769-2025 are allowed. Petitioners Sandeep Kumar alias Banti, Naresh Singh and Om Prakash alias Kalu be admitted to bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

16. At this stage, learned counsel for the complainant has submitted that stringent conditions be imposed upon petitioners Sandeep Kumar alias Banti, Naresh Singh and Om Prakash alias Kalu, as had been done in identically placed co-accused Pawan.

17. Petitioners Sandeep Kumar alias Banti, Naresh Singh and Om Prakash alias Kalu shall comply with the following conditions:

- (i) They shall not leave the country without prior permission of the trial Court.
- (ii) They shall regularly appear before the trial Court on each and every date of hearing.
- (iii) They shall not tamper with prosecution evidence or try to influence witnesses in any manner.

(iv) They shall not visit the village of the complainant till the conclusion of the trial.

(v) They shall file affidavits of undertaking to the above effect before the trial Court concerned at the time of their release.

18. It is made clear that in case any of the petitioners is found indulging in any act of intimidation, influence or threat towards any witness, it shall be open to the prosecution to move an appropriate application for cancellation of bail.

19. Insofar as petitioners Lokesh and Rinku Singh are concerned, the allegations against them are *prima facie* grave and specific, involving fatal injuries to the head of the deceased, duly corroborated by medical and ocular evidence. They, thus, do not stand on the same footing as the other petitioners.

20. Accordingly CRM-M-6861 and 8369-2025 are dismissed qua both of them at this stage.

21. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22. Copy of this order be placed on the file of each of the connected case.

July 3rd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No