

S. No.216

2025:PHHC:171860



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

CRM-M-60353 of 2025

Date of Decision:09.12.2025

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.....Petitioner

(Name withheld to protect identity)

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. S.S. Mor. Advocate for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

Yashvir Singh Rathor, J. (Oral)

1. Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.0172 dated 27.05.2025 registered under Sections 103(1), 126, 190, 191(2), 191(3) and 351(3) of BNS, (Sections 61(2) and 238 of BNS added later on) at Police Station Tosham, District Bhiwani, Haryana.

2. The present case was registered on the basis of statement given to the Police by Shamsher with the allegations that few days ago, an altercation had taken place between his son Rahul and one co-villager namely Vikas regarding which one criminal case is pending but Vikas and his family members were nursing a grudge against them. On 27.05.2025, he along with his son was returning from Village Syahdwa to Village Saral on a motor-cycle and when they reached near Garanpura Kalan, one car and two motor-cycles overtook them and they intercepted them in which Kashmir son of Shrichand, Jagbir, Sandeep,



Ramesh, Sumesh Kalia residents of Village Saral and 5-6 other relatives of Kashmir who were residents of Village Pinjokhara were travelling. They were armed with lathis, dandas, rods etc. Kashmir raised a lalkara to trap them and not to spare them alive. Ramesh proclaimed that there is no need to kill Shamsher and exhorted others to kill Rahul. Thereafter, 2-3 persons who were residents of Village Pinjokhara caught him and remaining assailants gave beatings to his son with lathis and dandas and thereafter, they left the spot after presuming Rahul to be dead. While going away, Ramesh threatened to kill him in case incident was reported to police. Thereafter, the complainant took his son to Satija Hospital, Hisar but he died during the treatment and he sought action against the assailants. On 30.05.2025, accused Ramesh was arrested and he suffered disclosure statement and he got recovered one wooden stick used by him while committing the crime. He suffered another disclosure statement and CCTV footage of the cameras was also taken into possession. On 19.07.2025, co-accused Sandeep was arrested and thereafter, he got recovered his mobile phone make Apple which was used by him during the crime. On 30.07.2025, accused namely Sachin, Rahul and Rakesh were arrested. Rahul alias Punit got recovered his mobile phone and one motor-cycle used in committing the crime. Accused Sachin also got recovered one mobile phone, wooden stick and one motor-cycle used in committing the crime. Accused Rakesh got recovered wooden stick from his house. On 22.08.2025, accused Sachin son of Sunil was joined in the investigation as he was confined in jail and he was arrested and he also got recovered one wooden stick and thereafter, final report under Section 193 BNSS was presented against



accused namely Ramesh, Sandeep, Sachin alias Ravinder, Rahul, Rakesh and Sachin son of Sandeep. Apprehending arrest, petitioner applied for bail which has been rejected.

2. I have heard learned counsel for the parties and have perused the material placed on record.

3. Learned counsel for the petitioner contended that petitioner is less than 18 years of age. He has not been named in the FIR and his name has cropped up in the disclosure statement of co-accused Sachin which is not admissible in evidence. Learned counsel contended that since petitioner was a juvenile/ child in conflict with law, he is entitled to be released on bail. Nothing is to be recovered from his possession. He is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour.

4. On the other hand, learned State Counsel has opposed the bail and argued that petitioner has committed a heinous offence who is above 16 years of age but below 18 years of age and he is a child in conflict with law. His name has cropped up in the disclosure statement of co-accused Sachin alias Ravinder and he had actively participated in the occurrence in question. The CDR of the mobile phone of petitioner and location of his mobile phone also indicates towards his involvement in the crime as he was present at the place of occurrence. He had inflicted injuries to deceased Rahul with lathis and dandas which resulted in his death. The custodial interrogation of the petitioner is thus essential to recover the



weapon of offence i.e. wooden stick and in view of gravity of the offence, petitioner does not deserve concession of anticipatory bail.

5. The allegations against the petitioner are serious in nature. His name has cropped up in the disclosure statement of co-accused Sachin alias Ravinder and as per material collected during investigation, he was present at the scene of crime even as per his mobile phone location. It has been specifically mentioned in the FIR that 5-6 relatives of the main accused belonging to Village Pinjokhara had participated in the occurrence and petitioner also belongs to the same village and is stated to have actively participated in the occurrence while inflicting injuries on the person of the deceased. As such, taking into consideration the gravity of the offence, petitioner is not entitled to benefit of anticipatory bail and accordingly bail application is dismissed.

(Yashvir Singh Rathor)
Judge

December 09, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No