



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

CRM-M-63033-2024

Reserved on: 21st February, 2025

Pronounced on: 25th February, 2025

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jai Vir Yadav, Advocate for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

Mr. Zorawar Singh Chauhan, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 176 dated 01.10.2023 registered under Sections 148, 149, 302, 323, 324, 379-B, 452 and 506 of IPC (Sections 325, 120-B and 201 of IPC added later on) at Police Station Tigaon, Faridabad, Haryana.

2. As per the allegations, on 01.10.2023, the persons named in the FIR, had formed membership of an unlawful assembly and in prosecution of common object thereof, had entered into the house of the complainant Rajesh and opened an attack upon his family members and himself. They had caused injuries to them with their respective weapons, which they were



carrying. The victim Prabhu Nath, father of the complainant, had also been assaulted. Some articles and money kept in the house of the complainant had also been taken away. The victim Prabhu Nath succumbed to his injuries. The motive was election rivalry. The petitioner was nominated as an accused on the basis of disclosure statement suffered by co-accused Mohit and Ravinder. He was arrested on 08.10.2023. Investigation has been concluded and challan stands presented.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He was neither named in the FIR by the complainant, nor any of the injured/victim attributed any role to him in his/her statement as recorded under Section 161 of Cr.P.C. No specific injury has been attributed to him by either of the victims including the deceased. There is nothing on record to connect him with the offence of murder of the victim-Prabhu Nath. The co-accused Om Dutt Saini, whose case was on similar footing, has been extended benefit of regular bail by this Court. On parity, he too deserves to be given the same benefit. No recovery has been effected from him. The trial would take time. Accordingly, it is urged that the petitioner deserves to be released on bail.

4. Status report had been filed by respondent-State. Learned Senior Deputy Advocate General, Haryana assisted by learned counsel for the complainant had vehemently argued that there are serious allegations against the petitioner, who by forming membership of an unlawful assembly with the co-accused had opened a murderous assault upon the complainant



and his family members and caused homicidal death of victim Prabhu Nath and injuries to the complainant and his other family members. The case of co-accused who have been extended benefit of bail cannot be stated to be at similar footing. Accordingly, it is urged that the petition does not deserve to be allowed.

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

6. As per the allegations, initially the co-accused Mohit son of Dhanesh and Ravinder had hatched a conspiracy to teach a lesson to the family of the complainant and in pursuance of that conspiracy, they had joined the petitioner and co-accused. As further alleged, on 01.10.2023, the petitioner accompanied by the co-accused Mohit, Ravinder and other accused had opened an assault upon the family members of the complainant including himself and had caused injuries to them. The injuries sustained by father of the complainant namely Prabhu Nath had proved fatal. The petitioner was not named in the FIR but in their respective disclosure statements co-accused Ravinder and Mohit named him as well as about his active participation. In the disclosure statement, which is stated to have been suffered by the petitioner, he disclosed that he had caused injuries to the victim with *dandas*. He has even got recovered the *dandas* as well car used at the time of occurrence. The allegations against him are specific. His case cannot be stated to be at parity with the case of the co-accused Om Dutt Saini. Keeping in view the gravity of the 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 at this stage. Accordingly, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

25th February, 2025

Parveen Sharma

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