



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

208

CRM-M-64651-2024

Date of decision: March 28th, 2025

Mukul Upadhaya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pardeep Panwar, Advocate
for the petitioner.

Mr. Karan Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail in FIR No.10 dated 14.01.2024 under Sections 147, 148, 149, 307, 302, 120-B of the IPC and Sections 25, 25(1)(8), 27 of the Arms Act, registered at Police Station Bhupani, District Faridabad.

2. The learned counsel for the petitioner contends that the petitioner has been in custody since 14.10.2024 and is a victim of false implication. It has been urged that the investigation is complete, and the charge sheet has already been filed. However, the trial is unlikely to conclude soon as charges have not yet been framed, and as many as 41 witnesses have been cited by the prosecution.

3. It is further submitted that the petitioner was not named in the FIR annexed as Annexure P-1 and was implicated solely based on the disclosure statement of the co-accused Abbas, which, being inadmissible in evidence, cannot form the basis of his prosecution. The only allegation against the petitioner, as per the learned counsel, is

that he provided the weapon used by the co-accused in the murder of Ram Sevak. Since no injury has been attributed to him, nor has any motive been ascribed for the commission of the offence, it has been contended that the petitioner cannot be held liable and is entitled to the concession of bail.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has filed the custody certificate of the petitioner, which is taken on record subject to just exceptions. Copy supplied to the counsel opposite. Learned State counsel while drawing the attention of this Court to the custody certificate has contended that the petitioner has criminal antecedents and is facing trial in other cases under the Arms Act. It has been argued that the petitioner cannot claim innocence merely on the ground that he had no personal motive to conspire with the co-accused. It has been asserted by the learned counsel for the State that the weapon of offence was provided by the petitioner, and even if he was not present at the scene of crime, his role in facilitating the offence is evident. Given the nature of the allegations, his involvement as a conspirator, is writ large. A prayer has, therefore, been made for dismissal of the instant petition, more so when the charges have not yet been framed.

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

6. *Prima facie*, the role of the petitioner extends beyond mere association and suggests active participation in the crime. The specific allegation that the petitioner supplied the weapon used in the murder cannot be disregarded at this stage. The question of whether the petitioner had a personal motive to kill the deceased cannot be

determined at this stage, more so when charges have not yet been framed.

7. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioner. Accordingly, the instant petition stands dismissed.

8. 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.

March 28th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No