

2025-PHHC-173610



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-62403-2025 (O&M)
Date of decision : 11.12.2025

Sameljeet @ Samel

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Ms. Gurdeep Kaur, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case arising out of FIR No.34 dated 05.02.2021 registered under Sections 302, 307, 324, 323, 148, 149 and 201 of IPC and under Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Jalalabad, District Fazilka.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant Neelam Rani alleging therein that on the night of 04.02.2021, her son Rahul Sukhija was standing near the shop of Rajan Chabbra, which is in the same street where their house exists. Eight to nine persons riding on a motorcycle reached there, who were armed with weapons. They made exhortation in the name of her

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son, who tried to enter into the shop of Rajan Chabbra to save himself. However, the assailants opened an attack upon him by firing shots with a pistol on her son, who was badly injured. On clamour being raised by her, several persons reached at the spot and thereafter the assailants fled away. On coming to know about the incident, the complainant had reached at the spot but in the meanwhile her son had been taken to the hospital. Initially, a case under Section 307, 324, 323, 148 and 149 of IPC and Section 25 of the Arms Act was registered. The victim died on 11.02.2021. Complainant Neelam Rani recorded a supplementary statement on the same day, on the basis of which, the present petitioner was nominated as an additional accused along with the other accused on the allegations that he had participated in assaulting the victim and causing injuries to him. Offence under Section 302 of IPC was added. The petitioner could not be apprehended. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed person, vide order dated 17.03.2025. He was arrested on 08.06.2025. *Challan* qua him stands presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not nominated in the FIR and was nominated as an accused after six days of the incident on the basis of supplementary statement of the complainant. The petitioner has clean antecedents. No test identification parade of the petitioner has been got conducted. There is no eye-witness to the occurrence. Even the complainant was not an eye-witness to the incident that had taken place

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on the fateful day. Co-accused Manjeet Singh @ Bitu has been extended benefit of bail. On parity, the petitioner too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner. His name could be ascertained by the complainant only after six days of the incident and that is why he was named thereafter. The petitioner had absconded and had been declared a proclaimed person and this fact is sufficient to show his complicity in the crime. There are chances of the petitioner's absconding again, if extended benefit of bail. The material witnesses are yet to be examined. It is, therefore, argued that petition does not deserves to be allowed.

5. This Court has heard the rival submissions.

6. The petitioner, by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have assaulted the son of the complainant as on 05.02.2021 and to have caused his death. The petitioner was nominated as an accused on the basis of supplementary statement of the complainant. The trial is at its initial stage as charges are yet to be framed. The material witnesses are yet to be examined. Taking into consideration the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered

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opinion that the petitioner does not deserve to be extended the benefit of bail. Accordingly, the petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

11.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No