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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-7871-2026

Date of decision: 7th April, 2026

Sohit Raghav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepanshu Matya, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 89 dated 18.04.2024 registered under Section 302 of IPC at Police Station Sector 37, District Gurugram. His first petition bearing CRM-M- No. 27070-2025 had been dismissed on 07.08.2025 and second petition CRM-M- No. 53217-2025 had been dismissed as withdrawn vide order dated 27.11.2025

2. The petitioner has been booked for and is facing trial for commission of the aforementioned offences on the allegations that on 18.04.2024, he had opened an attack upon the victim Dinesh with an iron rod and had killed him. He was arrested on 08.07.2024. He suffered disclosure

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statement to the effect that on the fateful day, he was present in his house when he heard some noises. On checking the CCTV camera, he had seen the victim Dinesh while firing shots with a pistol upon his uncle Sunil Fozi. On seeing so, he had rushed for rescue of his uncle and found him lying injured in a pool of blood. Thereafter, to save himself and his uncle, he had opened attack upon the victim with iron rod. The uncle of the petitioner as well as the victim had succumbed to the injuries and had died. The first petition as filed by the petitioner had been dismissed by this Court by making following observations:-

“As per the allegations, the victim-Dinesh, had come outside the house of the petitioner on the fateful day and had opened fire upon Sunil Fozi, uncle of the petitioner, thereby causing him two firearm injuries, which resulted in his death. A pen drive containing video recording of the incident, captured in CCTV camera installed in the vicinity, has been shown to this Court, as per which it was the victim, who had firstly assaulted the uncle of the petitioner and then the petitioner, had come outside his house and had assaulted the victim, by causing injuries with a wooden stick. As mentioned above, as many as thirteen injuries had been caused to the victim. Though the plea taken by the petitioner is that he acted in self-defence, however, prima facie, it appears to be a case where the petitioner exceeded self-defence. The allegations against him are serious in nature, taking into consideration the gravity of the allegations, the quantum of sentence, which the conviction may entail, and the attendant facts and circumstances but without meaning to make any comment upon the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.”

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3. It is argued by learned counsel for the petitioner that he has been wrongly implicated in this case. He was not even named in the FIR. In fact, it was the victim who had fired a shot at his uncle Sunil Fozi with a pistol thereby causing his death. The petitioner had only rushed for rescue of his uncle and had caused injuries to the victim. There is no eye-witness to the occurrence. No test identification parade of the petitioner was got conducted. The complainant himself while appearing as PW-3 has failed to identify the petitioner or the persons visible in the CCTV footage which has been relied upon to connect him with the offence of murder of the victim. The wife of the petitioner is suffering from a medical condition and requires proper medical treatment. For that purpose, the release of the petitioner is required. Only 04 prosecution witnesses have been examined so far. He has been remained in custody for a period of over 01 year and 07 months. Trial will take considerable time to conclude. His prolonged incarceration is a sufficient ground for his release on bail. The allegations even if believes to be correct make out a case for commission of offence punishable under Section 304(2) of IPC the maximum punishment for which is 10 years. He has already spent a considerable period in custody. His antecedents are clean. He had himself surrendered. No useful purpose would be served by detaining him in custody anymore. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned State

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counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, coupled with the fact that this is third petition of the petitioner and one of the previous petition is dismissed by passing a detailed order. As there is no drastic change in the circumstances, no ground for release of the petitioner is made out. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner is alleged to have caused multiple injuries with a rod to the victim which resulted into his death. The prosecution as well as the petitioner have relied upon a CCTV camera footage showing the incident and revealing that it was the victim who had firstly opened fire upon the uncle of the victim with a firearm and then the complainant had caused injuries to him with a rod which led to his death. While passing the previous order, this Court has observed that the petitioner appeared to have exceeded self defence at the time of causing injuries to the victim which were 13 in number. As submitted by learned State counsel as many as 10 out of 29 prosecution witnesses have already been examined. As such, it cannot be stated that there would be any undue delay in conclusion of the trial. The petitioner has not been able to point out any drastic or substantive change in the circumstances. Though a feeble attempt has been made now to say that the authenticity of the pen drive cannot be established but at the same time, the same has been relied by the petitioner's counsel at the time of addressing arguments. Taking into consideration the

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gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail, the stage of the trial and the attendant facts and circumstances, this Court finds no compelling ground to allow the petition. Accordingly, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th April, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No