



CRM-M-21309-2026

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-21309-2026
Decided on : 24.04.2026

Pawan @ Gachhu @ Pawanjeet

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sumit Sangwan, Advocate
for the petitioner

Mr. Amish Sharma, AAG Haryana

Dr. Jaiveer Singh Malik, Advocate
for the complainant (through V.C.)

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Pawan @ Gachhu @ Pawanjeet, aged 21 years	0135	29.05.2024	148, 149, 302, 307, 323 and 506 IPC (Section 120-B IPC was added later on),	Dadri City	Charkhi Dadri

2. There is an eyewitness account, namely complainant-Rahul, who himself sustained injuries in the incident and has already deposed before the learned trial court through his statement dated 18.03.2025 (Annexure P-7).



3. Learned counsel for the petitioner refer to the examination-in-chief recorded from the said eyewitness, which reads as follows:

“Stated that I am the resident of aforesaid address and pursuing ITI as student. On 28.05.2024, I alongwith Sunil Saini alias Akash, Mohit, Jayant, Mohit and 2-3 other persons, were celebrating the birthday of Jayany at Kadian Guest House in front of Bus Stand, Charkhi Dadri. At about 10:30 P.M we were eating food in a room, then about a sudden four persons named Sunny alias Billa, Munder, Shubham and Rahul alias Mulla Jaat initially entered in the room and they started beating me and Akash. Rahul alias Mulla Jaat stabbed with a knife (Chhuri) at the left side of the chest of Akash (since deceased). Then Akash fell down and then Shubham stabbed with a knife (Chhuri) at the left back side of Akash. I tried to rescue Akash during which the knife (Chhuri) also injured my left hand smallest finger. At this stage, the witness shown the mark sustained by the above said injury. Then Sunny alias Billa hit my head with a rod and Munder hit me with a rod (Iron Pipe) at left thigh. Then I became I little bit unconscious and they dragged me out from the room. I was unconscious and do not recollect that who inflicted further injuries upon me. I was admitted in PGIMS Rohtak where police met me and recorded my statement on 29.05.2024. (At this stage learned PP for the State requested that witness is suppressing the truth and not disclosing the true facts and requested to declare the witness hostile and he may be allowed to cross-examine the Witness. Request allowed”

4. Learned counsel for the petitioner, further argues that petitioner-Pawan @ Gachhu @ Pawanjeet was not even named in the FIR and no specific role is assigned to him thereafter. Counsel for the petitioner further submits that the entire incident, which took place in a room of hotel, was recorded in a video camera installed there. However, as per the CCTV footage, the prosecution has

**CRM-M-21309-2026****3**

been unable to establish the petitioners' presence at the scene. It is further submitted that petitioner is inside jail for more than 01 year, 10 months and 22 days but nothing was recovered from his possession. Additionally, there is no call details record or any other evidence, remotely suggesting that the petitioners are conspirator in the murder.

5. Counsel confidently refer the statement of the eyewitness and states that even the eyewitness, whose statement has been recorded before the Court, has not named the petitioner or raised any suspicion in any manner, or that any kind of enmity between the petitioner and the deceased, was existing.

6. Counsel also point out that one of the accused, namely Rahul s/o Satbir, whose presence was observed in the CCTV footage, has already been granted bail by trial Court primarily on the ground that he was not involved in any manner. Further, co-accused namely Mandeep @ Kaka and Ritik @ Kaku have also been extended the concession of bail by this Court, vide order dated 01.10.2025 passed in CRM-M-32163-2025 (Annexure P-4) and order dated 04.11.2025 passed in CRM-M-59752-2025 (Annexure P-5). Co-accused Parshant @ Babu and Rahul have also been granted concession of bail by this Court, vide order dated 08.04.2026 passed in CRM-M-64052-2025 and CRM-M-66222-2025 (Annexure P-6).

Relying on these submissions, and considering the lack of substantial evidence against the petitioner as well as the period of incarceration already undergone, prayer is made for the grant of bail.

7. It is also admitted position that petitioner could not be seen in the CCTV footage of the place of occurrence, nor the eyewitness named or raised any suspicion against them. Furthermore, petitioner is inside jail for a period more than

**CRM-M-21309-2026****4**

01 year, 09 months and 22 days, without there being any substantive material, having been recovered from his possession or any evidence linking them directly to the commission of the alleged offence. Considering totality of circumstances and the prolonged period of incarceration already undergone, this Court finds merit in the prayer of the petitioner.

Consequently, prayer made in the present petitions is allowed. Petitioner-Pawan @ Gachhu @ Pawanjeet is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. **Accordingly, the petition stands disposed of.**

April 24, 2026*reena*

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

**(SANJAY VASHISTH)
JUDGE**