



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41453-2025
Decided on : 20.04.2026

Pawan @ Pauna . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Suryakant Gautam, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Pawan @ Pauna	393	06.09.2024	103(1), 3(5) of BNS, 2023	Gohana City	Sonipat

2. Initially, naming three accused, namely (i) Joginder, (ii) Pappu, and (iii) Honey, complainant – Deepak alias Monu son of Sundara got registered the FIR, the contents whereof are reproduced as under:-

“ To Mr. S.H.O. Sahib, Police Station City Gohana, Sir, it is the requested that I Deepak alias (Monu) S/O Sundara resident Mundlana Tehsil Gohana District Sonipat, me and my family are farmers. On 5.9.2024 at about 2.30 PM, Joginder alias Kala and Honey S/O Surja and Pappu alias Chhota S/O Kritar resident Mudlana Tehsil Gohana District Sonipat came to my house and called my brother Sombir alias Sonu from the house and took him away, who along with these three. Whereas these



people, i.e. Joginder, Pappu, and Honey, fought with my brother a month back as well. At around 6 o'clock I received the information that my brother Sombir alias Sonu is admitted in Khanpur PGI due to injuries sustained in a fight. When I reached there, my brother was declared dead by the doctor. In this, Joginder alias Kala, Pt. Honey and Pappu alias Chhota resident Mundlana and Rakesh S/O Ramesh village Chidhana and Sonu village Naultha and other companions, under a conspiracy, due to resentment, about a month ago, my brother was murdered, for which legal action should be taken against all of them. I got this application written by my uncle Captain S/O Ishwar Singh resident Jolly and presented it to you. SD Applicant DEEPAK DATE 6.9.24."

3. It is contended by learned counsel for the petitioner that the petitioner does not figure in the FIR and his name has been involved in the present case on the basis of a video clip produced by the brother of the deceased, wherein the petitioner, along with Rakesh Kumar @ Rakesh Chahal, is alleged to have been seen pushing the deceased Sombir @ Sonu, who was already under the influence of liquor.

4. Learned counsel further contends that it was co-accused Rakesh Kumar @ Rakesh Chahal who, in the heat of the moment, pushed the deceased Sombir @ Sonu to the ground, leading to his death.

5. It is the case of the prosecution that the petitioner, along with co-accused Rakesh Kumar @ Rakesh Chahal, allegedly pulled the deceased out of the vehicle and thereafter pushed him to the ground, resulting in injuries on his head. It is also not disputed during the course of hearing that none of the accused has been attributed possession of any weapon at the time of occurrence.

It has further been noticed that while granting regular bail to co-accused Rakesh Kumar @ Rakesh Chahal vide order dated 02.04.2026



passed by the Coordinate Bench of this Court in CRM-M-2737-2026, titled as “*Rakesh Kumar alias Rakesh Chahal v. State of Haryana*”, it was observed that the role of the accused persons, i.e., co-accused Rakesh Kumar @ Rakesh Chahal and petitioner, as well as others, would be adjudicated during the course of trial. Petitioner being attributed a similar role, his claim for bail also deserves consideration.

6. Learned State counsel opposes the prayer for bail, however, does not dispute that the petitioner is inside the jail since 06.09.2024 and that out of the total cited 13 prosecution witnesses, 09 have already been examined.

7. Having heard learned counsel for the parties and perused the relevant material available on record with their able assistance, this Court finds that the petitioner was not named in the FIR and has been implicated subsequently during investigation. The precise role attributable to the petitioner and the extent of his participation in the occurrence are matters to be determined during trial on appreciation of evidence.

Petitioner is inside the jail since 06.09.2024 and thus, has undergone substantial period of incarceration inside the jail, i.e., more than a period of 18 months. Out of total cited 13 prosecution witnesses, 09 have been examined so far. Besides, similarly situated co-accused – Rakesh Kumar @ Rakesh Chahal, who is attributed a similar role, has already been granted concession of regular bail by the Coordinate Bench of this Court.

8. Keeping in view the period of custody already undergone by the petitioner; stage of trial; principle of parity, and without commenting upon the merits of the case, this Court is of the considered opinion that further



incarceration of the petitioner would not serve any useful purpose.

Consequently, prayer made in the present petition is **allowed**.
Petitioner 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 20, 2026

J.Ram

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