

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

233

CRM-M-41622-2025 (O&M)**Date of decision: 05.02.2026**

Sumit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of BNSS is for grant of regular bail in case FIR No.306 dated 21.10.2024 under Sections 103(1),115,190,191(3),61(2) of BNS (Section 61(2) of BANSS added later on) registered at P.S City Narwana, District Jind.
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

On 21.10.2024, a telephonic message was received at P.S City Narwana from General Hospital, Narwana that a young boy named Aryan, son of Azad, who had suffered injuries in an assault, has died. Immediately thereafter, a police team headed by SI/SHO Kuldeep Singh reached the hospital, collected ruqa and met the father of the deceased namely Azad Singh, who set the criminal law in motion by filing a complaint pointing therein that he is engaged in a private job and has two children (elder daughter named Ritu) and younger to her was his son Aryan, who was taking Computer Coaching in Narwana for 6-7 months. As usual, his son had come to the coaching Centre in the morning. Later in the afternoon at about 3.40 PM on the same day i.e 21.10.2024, he (complainant) received an



information that Aryan had been injured by some unknown boys. He immediately rushed to G.H, Narwana where he came to know that his son had unfortunately passed away on account of injuries suffered in the fight. Inquiries at his own level revealed that his son (Aryan) was accompanied by two of his friends, namely, Jasmer, son of Mahabir and Mandeep son of Krishan. These two boys had also suffered injuries in the incident. He (complainant) came to know that Rahul Pandit, resident of Ujhana, Abhishek @ Billa resident of Belarkhan accompanied by their 5-6 unknown accomplices had killed his son by hitting him with iron rods, swords and axes. Primarily with this backdrop, he requested the police officials to catch hold of all those persons, who were responsible for the death of his son Aryan as also to initiate appropriate proceedings against them. On the basis of said complaint, aforesaid FIR was registered. Investigations were set into motion during which scene of crime team visited the spot, collected blood-stained soil, one sword and one wooden danda lying at the site and converted into the sealed parcels and taken into police possession. Statement of the witnesses were recorded.

On the following day i.e 22.10.2024, supplementary statement of the complainant was recorded, who named few others also as being responsible for the death of his son. After the post-mortem examination, the dead body was handed over to the family members for last rites.

Insofaras the present petitioner namely Sumit Kumar is concerned, his name cropped up in the disclosure statement of co-accused Mohit @ Kala. On finding sufficient incriminating material, present petitioner was arrested on 07.11.2024. During interrogation, he confessed to his involvement in the incident and disclosed that on the asking of his friends i.e co-accused Abhishek and Rahul, who were nursing a grudge against deceased and Jasmer, he conducted recce and



assailants arrived at the disclosed place fully armed with iron rods, axes etc and unleashed an attack in which Aryan, Jasmer and Mandeep were brutally assaulted. He (P) and his friend Amrik were bystanders and had witnessed the incident.

Investigations qua the petitioner and others are complete, for, challan has been filed. Petitioner moved an application for grant of bail before the learned Addl. Sessions Judge, Jind. Same was dismissed vide order dated 21.07.2025. Aggrieved of which present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner a young boy aged about 20 years with absolutely clean past antecedents has been falsely implicated in the present case only on the basis of disclosure statement of co-accused. He (petitioner) was not named in the FIR. None of the two eye-witnesses namely Mandeep and Jasmer took the name of the present petitioner as one of the assailants. Continuing further, learned counsel contends that assuming for the sake of arguments if the story as portrayed by prosecution is taken as true (though not admitted), the only role attributed to the petitioner is that he conducted 'recce' of the deceased. The same is apparent from the disclosure statement of co-accused Ajay as also co-accused Mohit. None of the co-accused, who were named in the FIR/supplementary statement of complainant took the name of the petitioner as one of the assailants who actively participated in the incident. Learned counsel also contends that even in the CCTV footage of the incident, which was taken into possession by I.O during the course of investigation, petitioner can be seen driving motorcycle near the place of occurrence, immediately after the occurrence. Thus, as per learned counsel, there is nothing on record to suggest that the petitioner was one of the assailants who had assaulted the deceased and his other two friends. In view of the role attributed to the petitioner, it has been prayed to take lenient view in his favour by extending him the concession of bail, more so when likelihood of



completion of trial in near future is quite remote, for out of 29 prosecution witnesses, only 03 has been examined.

4. Per contra, while opposing the request for grant of bail, learned State counsel submits that the petitioner played a crucial role in the entire incident as it was at his instance that the other accused arrived at the disclosed place where deceased and his two friends were present and unleashed an attack. In fact, petitioner facilitated the entire occurrence by conducting 'recce' of the victim/deceased. Petitioner-accused who was driving motorcycle along with one of his friends, who was riding pillion, had shared information with regard to the presence of the victim at the spot of occurrence to the assailants, who without wasting any time arrived fully armed and killed the young boy and injured two of his friends. It has been prayed that in view of seriousness and gravity of offence, no case for grant of bail is made out.

5. In view of submissions advanced by learned counsel for the petitioner, role attributed to petitioner as can be inferred from status report filed by State, but without adverting to the merits of the case lest it may prejudice the mind of the trial court, taking note of the fact that petitioner has been in custody since 07.11.2024 and that he is not involved in any other criminal case as also that completion of trial is likely to take some time, the Court is of the opinion that further incarceration of petitioner would not serve any useful purpose, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "Bail is a general rule and incarceration is an exception" as held by Hon'ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal)**

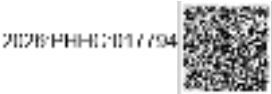
131.



6. Resultantly, petitioner is granted the concession of bail subject to his furnishing two bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty



In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

05.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

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