

2026:PHHC:019403



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-56981-2025 (O&M)

Rahul @ Rahul Sharma

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	03.02.2026
2	The date when the judgment is pronounced	10.02.2026
3	The date when the judgment is uploaded on the website	11.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vineet Chauhan, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case arising out of FIR No. 281 dated 30.05.2023, registered under Sections 148, 149, 323, 324, 325, 307, 341 and 506 of IPC (Sections 302 and 201 of IPC added later on) at Police Station Adarsh Nagar, District Faridabad. The previous petition, bearing number **CRM-M-35211-2024**, was dismissed by this Court on 11.12.2024.

2. The petitioner is facing trial for commission of the

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aforementioned offences on the allegations that on 29.05.2023, by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, he had assaulted victims Javed and Pankaj with blunt as well as sharp edged weapons. Victim Javed had succumbed to the injuries sustained by him.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Only one injury had been found on the dead body of the victim Javed, which was a stab wound. Recovery of knives has been effected from co-accused Aman Nagar and Vinod, suggesting that they were the persons, who had inflicted that injury on the person of the deceased. No fatal injury was attributed to the petitioner. The role of the petitioner, as per the prosecution case, is only that he had pulled out injured Santosh out of his car. False recovery of a danda and one poke has been planted upon him. The complainant has not supported the prosecution version while stepping into witness box on 22.08.2015. Co-accused Atul, Rahul Sharma, Abhishek, Amit, Yash @ Yashu, Sunil Kumar, Lavkush @ Labu, Arun @ Pavva, Vinod and Harsh have been granted concession of regular bail. On parity, he too deserves to be given the same benefit. He is in prolonged incarceration of more than 02 years and 08 months. Each day spent by him in custody has furnished a new ground to him for filing bail petition afresh. Conclusion of trial is likely to take a considerable time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, stressed that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to

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get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner, by forming membership of an unlawful assembly with the co-accused, is alleged to have assaulted the victims Javed and Pankaj in the presence of complainant Rafi Mohammad. Learned counsel for the petitioner has placed on record Annexure P-4, a copy of sworn deposition of complainant Rafi Mohammad, that shows that he did not implicate the petitioner and other accused in commission of subject offences and is shown to have stated that the assailants of his brother were unknown persons. It might be so. However, the petitioner was not only named in the FIR but specific acts had also been attributed to him. Victim Pankaj is yet to be examined. The petitioner has been linked to the offences with the aid of Section 149 of IPC. Even his mere presence in the unlawful assembly but with an active mind to achieve the common object makes him vicariously liable for the acts of the unlawful assembly. He is shown to have joined the co-accused and opened an attack upon the victims. He along with the co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the gravity of the accusation of murder under Section 302 of IPC. As such, this Court does not find any substantive or drastic change in the circumstances from the date of dismissal of the previous petition of the petitioner, except that the complainant has turned hostile. This circumstance cannot be termed as a drastic change when a material witness, namely victim Pankaj, is yet to be examined. Moreso, the well settled proposition of law is that mere prolonged period of custody is not sufficient

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ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the discussion as made above, this Court finds no ground to allow the present petition. Accordingly the same 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.

10.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No