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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.64060 of 2024
Date of Decision: 21.01.2026

Hitesh @ Sonu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. Rupender Hooda, Advocate and
Ms. Bindu, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Ashwani Gaur, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
302	09.08.2022	Rai, District Sonipat	302 and 34 of IPC and 25, 27 and 29 of Arms Act, 1959

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the allegations

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that on the night of 08/09.08.2022, the victim Deepak @ Tinnu left his work place but since he did not reach home, complainant Mohan @ Bholu who is brother of the victim along with his father left home for the purpose of knowing well being of the victim Deepak and while on the way, they found the accused Ujjwal and Lucky going towards Village Khewda on a bullet motorcycle. A car also passed through them and the complainant saw the accused Anil and Praveen as occupants of that car. He also heard both of them telling the accused Ujjwal and Lucky to rush to Tinnu flour mill to teach a lesson to Deepak @ Tinnu. The accused Ujjwal and Lucky were also carrying pistols. The complainant along with his father rushed towards that place and on the way found the vehicle of his brother to be lying parked on the kacha path. His brother was raising rescue alarm and all the above named persons were firing shots with firearms upon his brother who had fallen down in the paddy crop. He succumbed to his injuries. By alleging that more persons could be present in the car of the assailants and that his brother had been killed by the above named person on account of their previous enmity, he prayed for taking action. After registration of FIR, investigation proceedings were initiated. Postmortem examination of the dead body was conducted. CCTV footage near the vicinity was inspected.

3. As per further allegations, the complainant recorded a supplementary statement on 11.08.2022 alleging that apart from the persons already named by him, the present petitioner and two more persons namely,

Rahul @ Baba and Rohit were involved in the murder of the victim. They

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were nominated as additional accused. The petitioner along with the co-accused Ujjwal, Rahul and Rohit were arrested on 14.08.2022. The petitioner suffered disclosure statement admitting his involvement in the crime and also got recovered five cartridges and motorbike used in the crime. Subsequently, some other persons were also nominated as accused. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and has been involved in this case only due to being a friend of the co-accused. The supplementary statements were recorded by the complainant and his father after making due deliberations and cannot be relied upon. A false recovery has been planted upon him. There is no eye-witness to the factum of presence of the petitioner at the spot at the time of occurrence. He is in continued incarceration since 14.08.2022. Only 02 out of 39 prosecution witnesses have been examined so far. He has clean antecedents. The complainant has already been examined and there are no chances of his intimidating him and any other witness. He has a permanent abode. There are no chances of his absconding. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant and while referring to the plea as taken in the status report has vehemently argued that the allegations against the petitioner are serious in nature. He himself disclosed that he had fired

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three shots with a firearm upon the victim. It was a case of brutal murder as the victim has sustained as many as 17 firearm injuries. There are chances of petitioner's absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused is alleged to have committed the murder of the victim by inflicting firearm injuries on his person. Though he was named in the supplementary statements of the complainant and his father and not at the time of lodging FIR, however, the complainant Mohan has since been examined. A copy of his sworn deposition has been shown to this Court which reveals that he categorically deposed that he had seen the petitioner along with the co-accused while carrying weapons in his hand and firing shots upon his brother. He even stated that the petitioner along with the co-accused Rohit had dragged the victim into the paddy fields and again fired shots with their weapons. The allegations against the petitioner are serious in nature. So far as the extended/prolonged period of incarceration is concerned, the well settled proposition of law is that mere prolonged period of custody is not sufficient 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)***. Taking into

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consideration the nature of the allegations levelled against the petitioner, the part played by him, this Court is of the considered opinion that merely on account of his extended custody, the petitioner does not deserve to be given benefit of regular bail. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.01.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No