

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64621 of 2025 (O&M)

Reserved on: 09.03.2026

Date of Decision: 11.03.2026

Rahul

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Deepender Singh, Sr. Advocate with
Mr. Nipun Gupta, Advocate for the petitioner.

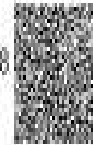
Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Amit Choudhary, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

This is second petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition has been filed with regard to a case arising out of FIR No.75 dated 04.06.2021, for the commission of offence punishable under Sections 147, 149, 188, 269, 270, 302, 120-B of Indian Penal Code, hereinafter being referred to as 'IPC' only, and Section 25/54/59 of Arms Act, Police Station Bahin, District Palwal.

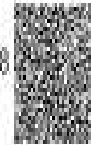
2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Saurabh', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that his cousin namely 'Digambar @ Diggall' was an associate



of 'Dheer Singh' Sarpanch Allika, and that in the year 2016 'Bharat Singh', the father of 'Dheer Singh', was killed by Ex-Sarpanch 'Mahender'. According to complainant on account of above mentioned incident there was an enmity between the two parties.

3. It was further stated by the complainant that his cousin 'Digambar' often used to accompany 'Dheer Singh' and on account of association of the 'Digambar Singh' with 'Dheer Singh' Ex-Sarpanch 'Mahender Singh' and his associates were nursing a grudge against 'Dheer Singh' as well as 'Digambar'. According to complainant on 03.06.2021 at about 9.00 P.M. when 'Digambar' along with 'Gaurav' and 'Jasbir' was sitting near a gym situated in the vicinity of 'Amit Kiryana Store', the assailants including 'Vicky @ Vikas', 'Amit', 'Rahul', Bhupender and others armed with various weapons including country-made guns, pistols and steel rods came on motorcycles and attacked 'Digambar' with firearms and shot him multiples times. According to complainant in furtherance of their act of brutality they ran over the motorcycle over the body of 'Digambar' and left the spot while brandishing weapons and issuing threats. According to petitioner 'Jasbir', 'Vishal' immediately shifted 'Digambar' to Apex Hospital Palwal, from where he was refereed to Guru Nanak Hospital but 'Digambar' succumbed to his injuries.

4. It is the case of the prosecution that on the basis of above mentioned complaint formal FIR of this case was lodged and the investigation was taken up.

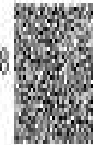


5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than four years, seven months and twenty one days, and that the trial is taking place at a very slow pace as out of thirty nine prosecution witnesses, only nineteen have been examined, so far. It has also been contended by learned counsel for the petitioner that co-accused of the petitioner have already been enlarged on bail, and that nothing has been left to be recovered from the possession of petitioner, and therefore, he is entitled for the benefit of bail.

7. The above mentioned arguments have been controverted by learned State counsel, being assisted by learned counsel for the complainant. According to learned State counsel, the petitioner is not entitled for the benefit of bail on the ground of parity, because the role attributed to the petitioner is far more serious than the role attributed to co-accused, who have been accorded the benefit of bail. As per learned State counsel the weapon of offence has been recovered from the possession of petitioner and the bullet found in the body of deceased was fired from the above mentioned weapon only.

8. It has also been pointed out by learned State counsel that the petitioner has scant respect for the process of law. In that regard the learned State counsel has pointed out that in the year 2023 when the petitioner was released on interim bail, he misused the above mentioned concession to the



extent that he had to be declared a proclaimed offender. He further contended that that this is second bail petition and from the date of dismissal of former bail petition no significant change in relevant circumstances has taken place.

9. The record has been perused carefully.

10. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the name of the petitioner figures in the FIR at the very first instance;
- ii) that the weapon of offence has been recovered at the instance of petitioner and the same weapon was used for causing injury on the person of deceased;
- iii) that the petitioner has already misused the concession of bail, as while on interim bail, he failed to surrender before the Court and therefore, he was declared a proclaimed offender;
- iv) that the petitioner does not have clean antecedents. The custody certificate placed on record by the State shows, that in addition to present case the petitioner is facing prosecution in twelve other criminal cases, including several cases under Section 307 IPC, one case under Section 376-D IPC vis-a-vis hurt cases, one of such cases is for the offence under Section



302 IPC;

11. Taking into consideration the cumulative effect of all the abovementioned factors and the past conduct of the petitioner, coupled with the fact of the present case, it is hereby held that the petitioner is not entitled for the benefit of bail. In view of above, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence the same is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

11.03.2026
Manoj Bhutani

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