

2026.PHHC.037626



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

133

CRM-M-69683-2025

Date of decision: 11th March, 2026

Tamil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Nehra, Sr. Advocate with
Ms. Harmanpreet Kaur, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 398 dated 02.08.2023 registered under Sections 147, 148, 149, 188, 302 and 506 IPC and Sections 25(1-B) (a) of Arms Act, 1959 at Police Station City Sohna, District Gurugram, Haryana. His previous petition had been dismissed as withdrawn vide order dated 24.07.2025.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Pawan Kumar alleging that on 31.07.2023, he was going from Nuh to Sohna side. As there was some tension in the area, therefore, the Nuh police had ensured his safe reach till KMP

2026.PHHC.037626



highway. Two more vehicles were moving along with his vehicle. When they reached near Javed Colony, Nirankari College, around 150 persons were found present on the road, they were armed with brickbats. One Javed who was known to the complainant was standing there. On his (Javed's) asking, the members of crowd who were in a violent mood opened an attack upon the vehicles of the complainant and others thereby throwing stones. His vehicle was damaged. He was pulled out of the vehicle and then accused Javed made an exhortation to kill the complainant and the occupants of other vehicles. The crowd started assaulting the complainant, Pardeep and Ganpat who were present with him. Blows with iron rods were struck on the head of Pardeep. Several shots were fired. The complainant and Ganpat present there were saved by the police officials but assaults on the victim Pardeep continued. He was subsequently taken out from the crowd and was rushed to hospital but succumbed to the injuries sustained by him.

3. After registration of FIR, investigation proceedings were initiated. Statement of another eye-witness Ganpat was recorded. CCTV footage of the cameras installed in the vicinity were procured. Initially, accused Shakir and Azrudin were arrested. Subsequently, other persons were nominated as accused. The petitioner was nominated on the second disclosure statement of the co-accused Azrudin. He was arrested on 25.01.2025. He was interrogated and suffered disclosure statement admitting his involvement in the crime. Investigation qua him now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been

2026.PHHC.037626



falsely implicated in this case on the basis of second disclosure statement of the co-accused which cannot be considered to be admissible in evidence. Neither he was named in the FIR nor any specific overt act or role has been attributed to him. Several co-accused have been extended benefit of bail. No test identification parade of the petitioner got conducted. Trial will take considerable time to conclude as none out of 63 prosecution witnesses has been examined so far. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

5. *Per contra*, learned State counsel while relying upon the status report has vehemently argued that the petitioner was a member of an unlawful assembly which had resorted to an act of unprovoked violence in which one innocent person had lost his life. As per his own disclosure statement, he along with other members of mob had continued attacking with *danda* and *lathis*. His active participation in the subject offences stands *prima facie* established. His antecedents are not clean. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, to commit acts of communal violence, he is alleged to have

2026.PHHC.037626



assaulted the victim, complainant and PW-Ganpat. Victim Pardeep had died in the occurrence. The petitioner had, however, not been named in the FIR and has been nominated on the basis of second disclosure statement of the co-accused. It is only on thorough assessment of the evidence to be adduced during trial that any definite conclusion as to the involvement of the present petitioner in the commission of subject offences can be drawn. The petitioner is in custody since 25.01.2025. Of-course, the chances of conclusion of trial in near future are bleak as none out of 63 prosecution witnesses has been examined so far. The case of petitioner is at parity with the case of the co-accused who have been extended benefit of bail and who were nominated on the basis of disclosure statements of co-accused. No specific overt act has been attributed to the petitioner. It is well settled proposition of law that in cases of group violence, individual roles must be specifically established, and mere presence at the scene of the crime cannot be imputed the same level of culpability to all accused. The absence of such specific evidence against the petitioner militates against the denial of bail. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove

2026.PHHC.037626



shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th March, 2026
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |