

2026.PHHC.059637



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-86-2026

Rishab

...Appellant

Versus

State of Haryana and another

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.04.2026
2	The date when the judgment is pronounced	21.04.2026
3	The date when the judgment is uploaded on the website	21.04.2026
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. Rajat Sheokand, Advocate for the appellant.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Sanjeev Majra, Advocate for the complainant.

MANISHA BATRA, J :-

The instant appeal has been filed by the appellant-accused against the order dated 19.12.2025 passed by the Court of learned Additional Sessions Judge, Panipat in case arising out of FIR No. 419 dated 27.06.2025 registered under Sections 103(1), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) and Section 3 of the Scheduled Caste and the

2026.PHHC.059637



Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') (Sections 3(5) and 3(2)(VA) of SC/ST Act were added and Sections 190 and 191(3) of BNS was deleted, later on) whereby an application for grant of regular bail as filed by the appellant, had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Rajpal, alleging that his son Kanhiya was studying in government school at village Unjha, wherein the present appellant and co-accused Harsh and Vivek were also studying. All three of them used to misbehave with Kanhiya by insulting him in the name of his caste and hurling abuses. They also used to extend threats to kill him if he made any complaint with regard to their behaviour. He alleged that on 25.05.2025 also accused Vivek had misbehaved with Kanhiya and had also assaulted him. Thereafter, the accused Vivek lodged a complaint to save himself but a compromise was effected at the police station. In the morning of 26.06.2025, his son when the appellant and co-accused Harsh and Vivek intercepted him and opened an assault upon him by giving fist blows, slaps and kicks, thereafter they fled away. His son along with his friends Aman and Punit had gone to the house of the accused to make a complaint but accused Rakhi who was present there caught hold of his son by neck. Accused Rakhi, Chand and Vicky made an exhortation by calling him *chamar*, *giddal* and by proclaiming that they would teach him a lesson for daring to come to their house and that he should be killed.

2026.PHHC.059637



3. The complainant further alleged that all of them caught hold of his son. The appellant struck blows with knife in the chest of Kanhiya, whereas accused Harsh and Chand caused injuries to him with *danda* and sharp edged weapons. Accused Rakhi also caused injuries to him with a scissor and accused Vivek gave blows with iron punch to him. Injured was rushed to hospital but had been declared to be brought dead.

4. After registration of FIR, investigation proceedings were initiated. During investigation, it transpired that the knife with which the victim was assaulted had in fact been used by accused Harsh and not by the present appellant. The statement of eye-witness Saurabh was recorded, who disclosed that the accused Harsh had struck blows with knife on the chest of the victim and when the victim tried to flee, the appellant had made him fall on the ground and gave kicks and fist blows to him. Accused Vivek and Harsh were arrested on 28.06.2025. The accused Harsh got recovered the knife used at the time of occurrence. The appellant was arrested on 16.07.2025. Investigation now stands completed.

5. It is argued by learned counsel for the appellant that he has been falsely implicated in this case. He is in custody since long. The allegation that he had caused injury with knife on the person of the complainant stood falsified during the course of investigation itself as it had come on record that the accused Harsh had caused injuries with knife to victim. No specific overt act or injury has been attributed to him. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody

2026.PHHC.059637



anymore. His antecedents are clean. It is, therefore, argued that the appeal deserves to be allowed.

6. Custody certificate filed by learned State counsel is taken on record. Learned State counsel assisted by learned counsel for the complainant has argued that keeping in view the gravity of the allegations levelled against the appellant, he does not deserve to be released on bail. Therefore, it is urged that the appeal does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The victim had died due to the impact of injuries sustained by him on his vital organ i.e. left lung, which were declared to be ante mortem in nature and sufficient to cause in ordinary course of life. Several inside wounds of different sizes on left side of his upper chest, above and medial to left nipple, lateral to sternal manubrium, left shoulder and below left mandibular process. The vital injury has been attributed to the co-accused Harsh and not to the present appellant. However, as per the allegations, the appellant was very much present at the spot at that very point of time and when the victim had been assaulted with a knife, the appellant had given kicks to the victim. His active participation in the subject crime along with the co-accused stands *prima facie* established. His intention to cause death of the victim is also explicit from the acts so committed. The allegations against the appellant are serious in nature. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the

2026.PHHC.059637



accusation of murder under Section 302 IPC. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail.

9. In light of the foregoing legal principles, and having regard to the applicant’s role in the incident and the attendant facts and circumstances of the case, the quantum of sentence which the conviction may entail, this Court finds no compelling ground to grant bail to the appellant. Accordingly, the appeal is dismissed.

10. It is clarified that any observation made in this order is only for deciding this appeal and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

11. Since the main appeal has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st April, 2026

Parveen Sharma

- 1. Whether speaking/ reasoned
- 2. Whether reportable

: Yes / No
: Yes / No