



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

333

CRM-M-14306-2025
Date of decision: 26.03.2025

WazirPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pardeep Sihmar, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Govind Chauhan, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

1. This is the third petition filed under Section 483 of the Bharatiya Nyaya Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.319 dated 04.05.2023 under Sections 34, 394, 452, 506, 395, 397, 120-B of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Assandh, District Karnal.

2. The earlier petition filed by the petitioner seeking similar relief was dismissed on merits vide a detailed order of this Court on 19.09.2024 annexed as Annexure P-4.

3. On a pointed query put to the learned counsel for the petitioner as to what is the material change in circumstances which would warrant entertaining the instant petition, he has submitted that since all the material witnesses stand examined and the petitioner has



CRM-M-14306-2025

been in custody since 05.05.2023, he deserves the concession of bail as the trial is unlikely to conclude in the near future.

4. Learned counsel for the petitioner further submits that the petitioner has been falsely implicated in the instant case. Furthermore, it has been contended that since all the material witnesses have been examined out of the 33 cited, further incarceration of the petitioner would serve no useful purpose as there can be no risk of the petitioner intimidating or influencing any of the witnesses.

5. It has been still further submitted by the learned counsel for the petitioner that a perusal of the FIR annexed as Annexure P-1 reveals that the petitioner was neither named in the FIR in question nor was any whisper raised with respect to his involvement in the alleged crime. Rather, it is the case of the prosecution that the alleged assailants, who broke into the house of the complainant on the fateful night between 04/05.05.2023, had come with muffled faces. Hence, in the absence of any test identification parade having been conducted and the petitioner having been nominated only on the basis of an alleged disclosure statement of co-accused, the petitioner cannot be made to languish in custody.

6. Per contra, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite by reiterating the allegations levelled in the FIR which stand reproduced hereinunder:-

“To, Mr. S.H.O Sahab, Police Station Assandh. Subject: About robbery and injury at gunpoint. Mister. I request to you that I am Deepak, son of Shri Roshan Lal Mehta, resident of Ward No. 8, Assandh District, Karnal. Today



CRM-M-14306-2025

date: 03-04.05.2023, at night, I, and my wife and 3 children were sleeping in one room and my mother was sleeping in the adjacent room and my brother Gorav and his wife were sleeping in their room on the first floor of the house. On Dated:-04-05-2023 at around 2:30 in the morning, four masked persons broke the gate of my house and entered my house, out of which two had weapons in their hands and two had swords in their hands. As soon as they entered my room, they held the entire family sleeping on the ground floor at gunpoint and started demanding money. When my mother woke up after hearing the sound, they tied her hands and opened all the cupboards in the house and took out cash and jewelery worth about Rs 5 lakh 80 thousand. When I started protesting, he tried to shoot her but he did not fire and one of his The cartridge fell on the spot. After that two people attacked my head with swords due to which I got badly injured. When I shouted for help, my brother Gorav came down from the first floor and when we both protested against the robbery, in the scuffle the mask got removed from his face and he managed to escape from the spot with the robbery items and while leaving we lost our lives. They left after threatening to kill. I will recognize them when I appear. After checking the jewellery, I will give you the list. It is requested to you that strictest legal action should be taken against them.”

7. It has been submitted by the learned State counsel as well as counsel for the complainant that although the assailants had come to the house of the complainant with muffled faces, however, in the FIR itself the complainant had categorically stated that when the assailants attacked him with swords and tried to fire from their firearm, a scuffle ensued between the petitioner's brother Gorav and the assailants, as a result of which, mask of one of the assailants fell off. Furthermore, it has been argued that in the FIR itself it had been explicitly stated by the complainant that while the alleged assailants were escaping from the spot with the looted items (cash, jewellery), they not only threatened the complainant party with dire consequences and still further and most



CRM-M-14306-2025

pertinently, the complainant claimed that in case the assailants were brought before him, he would be in a position to identify them. During trial, the petitioner had been clearly identified by all the three material witnesses i.e. the complainant, his wife and brother Gorav (eye witnesses to the occurrence in question) but had also deposed that the petitioner was carrying a firearm and had actively participated in the occurrence in question. Still further, learned State counsel has disputed that no test identification parade (TIP) was carried out. Attention has been drawn to the previous order of dismissal of bail of the petitioner (Annexure P-4) wherein it stands noticed that a TIP was carried out. In addition, it has been argued that the petitioner is a man of criminal antecedents as it is a matter of record that previously also he has been involved in similar crimes, although he has since been acquitted on account of the witnesses in those cases turning hostile, which fact has not been disputed by the learned counsel for the petitioner, who has fairly conceded that in all those cases the material witnesses had turned hostile, leading to his acquittal.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. When the previous petition seeking similar relief of regular bail was dismissed vide a detailed order (Annexure P-4), none of the 33 prosecution witnesses had been examined, however, as per the conceded case of the parties, all the three material witnesses i.e. the complainant and the two alleged eye witnesses, Gorav and the wife of the complainant, have not only been examined but they have fully



CRM-M-14306-2025

supported the case of the prosecution as well as clearly identified the petitioner as being one of the persons who actively participated in the occurrence in question. The petitioner, as per the State counsel, was armed with a country made pistol at the time of the alleged crime, which was recovered from him when he was arrested on 05.05.2023. In addition, the looted gold jewellery was also allegedly recovered from him. It has also been brought to the notice of this Court by the learned State counsel that a test identification parade was carried out wherein the complainant had duly identified the petitioner as being one of the alleged assailants who had participated in the crime in question which was further corroborated during trial. On further instructions, it has been submitted by the learned State counsel that all the material witnesses stand examined, and now only formal witnesses remain to be examined, therefore, there is every likelihood that the trial would not take much time to conclude, however, in case the petitioner is enlarged on bail at this stage, he could evade proceedings/abscond leading to the trial being delayed.

10. In the above given facts and circumstances, when the material witnesses have not only supported the case of the prosecution in its entirety but have stood their ground by identifying the petitioner as being one of the four assailants, this Court does not deem it fit to extend the concession of regular bail to him at this stage, moreso, when the remaining witnesses to be examined are only formal in nature. The instant petition stands dismissed accordingly.

11. It is made clear that anything observed hereinabove shall



CRM-M-14306-2025

not be construed to be an expression of opinion on the merits of the case.

12. However, the learned Trial Court shall make earnest efforts to expedite the trial since now only formal witnesses remain to be examined.

26.03.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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