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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.37039 of 2025
Date of decision : 21.07.2025**

Rahul**....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. Sahil Choudhary, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

***********RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.484 dated 24.12.2022, under Sections 148, 149, 302, 323 & 34 of IPC and Section 25 of Arms Act, registered at Police Station Sector-14, Panchkula, District Panchkula, Haryana.

2. Succinctly the facts of the case are that the present FIR was got registered on the statement of complainant, namely, Divyanshu. It was alleged that on 24.12.2022 at about 5:00/5:30 PM, he along with Rishab and Mukesh @ Munna (deceased) were coming from vegetable market, Budhanpur. On the way, they met 10/12 boys, wherein Santram @ Santu was holding knife and Mastu was holding baseball bat. Raju and Rahul were holding bats and sticks in their hands and Golu, Rahul, Deepak, Joginder etc. were holding bricks and stones. Due to enmity between both the sides, they opened attacked on them. Mukesh @ Munna was caught



hold and Santram @ Santu gave 4/5 knife blows on the body of Mukesh @ Munna and Mastu inflicted injuries with base ball bat, Rahul (petitioner), Raju, Golu and others started pelting bricks and stones. On receiving the knife injuries, Mukesh @ Munna fell down in the street and thereafter he was shifted to Civil Hospital, Sector-6, Panchkula. The complainant died due to the knife blows and thus, the request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced and the postmortem of dead body was conducted. The statement of the witnesses recorded and on completion of the investigation, the challan was presented and on framing of the charges, the trial commenced. The petitioner was arrested on 26.12.2022. The petitioner approached the Court of learned Sessions Judge, Panchkula, praying for the grant of bail. However after hearing both the sides, finding no merit, the same was declined by the learned Sessions Judge, Panchkula vide order dated 03.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that though the petitioner was named in the FIR, however, during the reading of allegations made in the FIR, it is the case of the prosecution that he was armed with a brick. He has submitted that postmortem of the deceased was carried out, wherein he had suffered 05 injuries and as per the postmortem report, all the injuries have been opined to have been given by a sharp edged weapon. He has submitted that the petitioner was assigned no overt act and as per the ocular version, the deceased also died



due to the knife blows. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 26.12.2022 and thus, he has completed an incarceration of more than 02 years. He has submitted that the petitioner has no criminal antecedents. He has further submitted that co-accused of the petitioner, namely, Rohit @ Golu has already been granted bail by this Court vide order dated 03.05.2025 passed in CRM-M No.55108 of 2024 and thus case of the petitioner is at par with that of the co-accused. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was specifically named in the FIR, who was a part of the unlawful assembly. He has submitted that the complainant and the deceased were waylaid in a pre-planned manner. He has submitted that the petitioner had also given a brick blow upon the deceased. He has submitted that the petitioner having played an active role, does not deserves the concession of bail. He, on instructions, has submitted that out of total 23 prosecution witnesses, only 09 witnesses have been examined till date. He has endorsed the contention raised by learned counsel for the petitioner that the co-accused has already been granted bail by this Court. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 24.12.2022. The petitioner was alleged to have given a brick blow. The



postmortem report reveals that the deceased had suffered 05 injuries, which are opined to have been given by a sharp edged weapon. Custody certificate produced by the learned State counsel would show that the petitioner has suffered an incarceration of 02 years, 06 months and 19 days as on 17.07.2025. Custody certificate further reflects that the petitioner has no criminal antecedents. Co-accused of the petitioner, namely, Rohit @ Golu has already been granted bail by this Court vide order dated 03.05.2025.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on parity as well. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.07.2025

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(**RAJESH BHARDWAJ**)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No