



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

**CRM-M-51492-2024
Reserved on: 20th March, 2025
Pronounced on: 25th March, 2025**

Arjun @ Harsh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhilaksh Grover, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 750 dated 11.09.2021 registered under Sections 302 and 120-B of IPC at Police Station City Yamuna Nagar, District Yamuna Nagar. His previous petition bearing CRM-M-27682-2024 had been dismissed as withdrawn vide order dated 03.07.2024.

2. As per the allegations, on 10.09.2021, at about 12:00 AM, the complainant Shivali Sharma along with his brothers Surya i.e. victim and Krishna @ Boxer were present near Guru Gobid Singh Institute and were making preparation for setting up a pandal for the forthcoming Ganesh Festival. In the meanwhile, 15-20 youths riding on some motor bikes and



armed with weapons reached there. All of them opened an attack on Surya with their respective weapons. The complainant and his brother Krishna @ Boxer rescued their lives by concealing themselves. The assailants inflicted several injuries on the person of the victim Surya, due to which he fell down and had become unconscious. They were making *lalkaras* to kill the victim and thereafter, they fled from the spot. The complainant disclosed the names of some assailants including that of the present petitioner, who were seen by him at the spot and stated that he did not know some of the assailants but could identify them. A case under Section 302 read with Section 120-B of IPC was registered. Investigation proceedings were initiated. The petitioner and some co-accused were arrested on 14.09.2021.

3. As per the further allegations, the petitioner and co-accused suffered disclosure statements admitting their involvement in the subject crime and got recovered the motor bike used in the offence. The remaining co-accused were also arrested. Investigation stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific injury has been attributed to him. He has been in custody since 14.09.2021. Due to prolonged period of incarceration, he is certainly entitled to be given benefit of bail especially when the co-accused Sagar and Parveen have been extended benefit of bail by this Court and co-accused Aman Wrestler, who is main conspirator, has been extended benefit of bail as per the orders of Hon'ble Supreme Court. His further incarceration would not serve any useful purpose. Accordingly, it is urged that the petition deserves to be allowed.

5. Status report has been filed by respondent-State. It is argued by



learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner, who by hatching a criminal conspiracy with the co-accused had opened an attack upon the victim on the fateful night and had caused his homicidal death by inflicting as many as 23 injuries on his person, out of which six were head injuries. As per the allegations, the petitioner himself had caused injuries on the head and legs of the victim with an iron rod. He is a habitual offender since four more cases have been registered against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. The complainant in his sworn deposition has fully supported the prosecution version and has named the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. As per the allegations, the petitioner by hatching a conspiracy with the co-accused had opened an assault upon the victim on 10.09.2021 and had caused fatal injuries to him. The complainant has appeared before the learned trial Court as PW-5 and has supported the prosecution version and identified the petitioner as one of the assailants. The allegations against the petitioner are serious in nature. He has criminal antecedents. The case of the petitioner is not at parity with those accused who have been extended benefit of bail. It is well settled proposition of law that where offences alleged are serious and grave in nature, long period of incarceration and the fact that the trial is not likely to be concluded in near future may not be a ground entitling the accused to be released on bail. Keeping in view the



gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

25th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*