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

**CRA-S No.1567 of 2025  
Date of decision : 22.08.2025**

**Lakhan @ Lucky**

**.....Appellant**

**versus**

**State of Haryana and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Atul Lakhanpal, Senior Advocate with  
Mr. Raahat Kataria, Advocate and  
Mr. Karan Jangra, Advocate  
for the appellant.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Mr. G. S. Gorla, Advocate  
for respondent No.2.

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

1. Present appeal has been filed praying for setting aside the order dated 01.12.2023 passed by the learned Additional Sessions, Hisar whereby the regular bail application filed by the appellant in case bearing FIR No.898, dated 10.08.2023, under Sections 323, 34, 379-B, 506 of IPC (Sections 148, 149, 302, 506 IPC and Section 3(2)(v) of SC/ST Act added later on), registered at Police Station Sadar Hisar, District Hisar, Haryana was dismissed. Further prayer has been made for the grant of regular bail to the appellant in the above-mentioned case.

2. Succinctly the facts of the case are that the FIR in the present case was got registered on the statement of complainant, namely, Parmod.



It was alleged that they were three brothers and his younger brother, namely, Amit was living along with the niece for the last 07 days. It was alleged that on 09.08.2023, at about 8:00 A.M., Amit left the house to go to the house of Dayanand for construction work. At around 03:30 P.M., Krishan made a call from his mobile to his father's mobile and told that Mukesh Giri, Ashok Nayak, Aashish @ Lalu and Ravi Nayak had caused injuries to Amit and thus, he was given the message to reach there. They reached at the place of occurrence and found his brother, Amit was in conscious condition. Amit told him that Mukesh Giri, Ashok Nayak, Aashish @ Lalu and Ravi Nayak had caused injuries and had snatched his Redmi Mobile forcibly. He told him that all of them were having iron rods and dandas. Thereafter his brother, Amit became unconscious. He was taken in a private vehicle to the Government Hospital, Hisar from where he was referred to MAMC, Agroha and thereafter, he succumbed to the injuries. Thus the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. During the investigation, complicity of the appellant was surfaced and thus, he was arrested on 25.08.2023. He approached the Court of learned Additional Sessions Judge, Hisar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Hisar, declined the bail application filed by the appellant vide order dated 01.12.2023. Hence being aggrieved, the appellant is before this Court by way of filing the present appeal praying for the grant of bail.

3. Learned senior counsel for the appellant has submitted that the appellant has been falsely implicated in the present case. He has



submitted that neither the appellant is named in the FIR nor there is any role attributed to him. He has submitted that the complainant is the brother of deceased, namely, Amit, who had alleged in the FIR itself that the deceased was alive when he reached at the scene of occurrence. He has submitted that the deceased disclosed him about the names of accused, however the appellant was not named by the deceased as well. He has submitted that later on, the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, Ashok. He has submitted that the disclosure statement of co-accused even otherwise is not an admissible evidence. He has submitted that the appellant is behind bars since the date of his arrest, i.e. 25.08.2023 and has completed incarceration of about 02 years. He has submitted that there is no substantial progress in the trial and thus, his fundamental right of speedy trial is also defeated. He has submitted that it is writ large that the appellant has been falsely implicated and thus, in the facts and circumstances, the appellant deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the appellant. He has submitted that complicity of the appellant has been duly established during the investigation. He has submitted that the appellant was named by co-accused, Ashok, wherein the appellant was found to be played an active role. He has submitted that the recovery of iron rods have also been effected from the appellant. He has submitted that no ground for he grant of bail to the appellant is made out.

5. *Per contra*, learned State counsel has equally opposed the submissions made by counsel for the appellant. She has submitted that



the appellant is a part of unlawful assembly, who has played an active role. She has submitted that the recovery of weapon is also effected from the appellant. She, on instructions, has submitted that out of total 23 prosecution witnesses, only 03 witnesses have been examined. She has placed on record custody certificate of the appellant today in the Court and the same is taken on record.

6. Heard.

7. On hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case has taken place on 09.08.2023. The deceased was allegedly conscious when the complainant reached. The appellant was not named as the assailant, however he has been established as an accused subsequently on the basis of the disclosure statement of co-accused. Custody certificate produced would show that the appellant has completed incarceration of 01 year, 11 months and 27 days as on 21.08.2025. It further reflects that the appellant is involved in one more case, however he is on bail in that case. Out of total 23 prosecution witnesses, only 03 witnesses have been examined so far.

8. 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. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the appellant succeeds in making out a case for grant of regular bail. Accordingly, the present appeal is allowed and the impugned order dated 01.12.2023 passed by the learned Additional Sessions, Hisar



is hereby set aside. The appellant is ordered to be released on bail during trial of present case 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.

**22.08.2025**

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**( RAJESH BHARDWAJ )**

**JUDGE**

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