

2025:PHHC:134411



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

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CRM-M-42921-2024

Date of decision: September 24, 2025

PAWAN @ PONA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Siddharth, Advocate
for the petitioner.

Mr. G.S. Chhina, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.311 dated 01.08.2019 under Sections 147, 148, 149, 302, 309, 323, 303, 109, 120-B, 180, 325 of Indian Penal Code, 1860 and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Azad Nagar, District Hisar (Annexure P-1).

2. As per the version in the FIR (Annexure P-1), on the morning of 01.08.2019 at about 7 a.m., the complainant, who was then posted at the reception of the Central Jail, Hisar, received information through the wireless set that a fight had broken out near the gate of Male Ward No.1. On reaching the spot, the complainant found that Head Wardens Subhash and Mandeep and Wardens Hanuman and Shamsher were attempting, though unsuccessfully, to separate the inmates engaged in a violent brawl.



3. It is specifically alleged that inmates Ravinder (hereinafter referred to as 'deceased'), Talwinder and Harjeet were being assaulted by all the accused including the petitioner. Further, the present petitioner along with co-accused Jagdish @ Dukhi, was armed with sharp-edged weapons (*sua*) and inflicted injuries upon the deceased on his chest. At that stage, co-accused Azad, Parveen, Rajnish also joined the assault and administered kicks and fist blows to Talwinder and Harjeet.

4. With the assistance of additional staff, the complainant and his colleagues managed to separate the fighting inmates and locked them back in their respective cells. Deceased, Talwinder and Harjeet, who had sustained multiple injuries, were taken to the jail hospital, provided first aid, and thereafter, referred to the Government Hospital, Hisar, where Ravinder (deceased) later succumbed to his injuries.

5. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the instant case. It is contended that the FIR does not attributed any specific or overt role to the petitioner in the alleged occurrence. It is further urged that the petitioner has been in custody since 08.08.2019, but the trial has not concluded; rather, charges were framed on 19.09.2025, and hence, there is little likelihood of the trial concluding in the near future. On the strength of his prolonged custody, it has been prayed that the petitioner deserves to be enlarged on bail. It has also been submitted by the learned counsel for the petitioner that a similarly placed co-accused was



granted the concession of bail by this Court on 09.08.2023 vide order annexed as Annexure P-3.

6. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted by the learned State counsel that the petitioner is specifically named in the FIR with a clear and categorical role attributed to him, i.e. inflicting injuries with a *sua* on the chest of the deceased. It is further pointed out that the weapon of offence was recovered from the petitioner.

7. Learned State counsel has also placed on record the custody certificate of the petitioner, which reveals that he is a habitual offender involved in as many as 38 other FIRs of heinous nature including those related to murder. It is submitted that the petitioner, even while being lodged in jail, actively participated in hatching a conspiracy, and thereafter in perpetrating the murderous assault upon the deceased and injured persons. As per the learned State counsel, on instructions, the delay in the trial is also attributable to the involvement of the petitioner in multiple criminal cases, as his production had to be secured in several other criminal cases pending before different Courts. It is further urged that releasing such a hardened and habitual offender on bail would pose a serious threat of his indulging in further offences of similar nature and intimidating or influencing witnesses.

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



9. *Prima facie*, the allegations levelled against the petitioner are serious and grave in nature. He is specifically named in the FIR and a specific role is attributed to him of inflicting injuries with a *sua* on the person of the deceased, which resulted in his death. The weapon of offence has also been recovered at the instance of the petitioner.

10. What aggravates the matter further is the fact that the petitioner committed the present offence while being lodged in jail in connection with other cases of heinous nature. His criminal antecedents, as reflected in the custody certificate, show his involvement in as many as 38 other FIRs, including for offences of murder. This indicates that he is a habitual offender with a propensity to indulge in serious crimes.

11. The plea of prolonged custody loses significance in the peculiar facts of the present case, as the delay in trial is not attributable to any lapse on part of the prosecution but rather to the multiple criminal cases, in which the petitioner is involved.

12. In these circumstances, and keeping in mind the nature of allegations, the conduct of the petitioner, and his antecedents, this Court does not deem it fit to extend the concession of regular bail to the petitioner.

13. Accordingly, the instant petition stands dismissed.

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14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 24, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*