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

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**CRM-M No.56081 of 2024
Date of Decision: 16.01.2025**

Sanjay @ Sanju ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohan Singh Rana, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Manish Boora, Advocate,
for Mr. Suresh Kumar Kaushik, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

| FIR No. | Dated | Police Station | Sections |
|----------------|--------------|---------------------------------|---|
| 57 | 01.03.2024 | Narwana Sadar, District Jind | 302, 120-B, 148, 149 and 216 of IPC and 25, 25 (1) (B) of Arms Act, 1959 |

2. As per the prosecution version, the victim Sushil Sharma, brother of complainant Vikas was working in Baruch Gujarat and had

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come to his native place on 28.02.2024. On 01.03.2024, he had left home for some personal work at about 9 AM. At 10:30 AM, he made a call to the complainant intimating him that he had been shot at by accused Vikram, brother of Sushila. Thereafter, the victim was not able to converse further. The complainant was then informed that his brother had been shot at and was taken to Civil Hospital, Narwana. On reaching there, he found the dead body of his brother lying there. While alleging that the accused Vikram who was having inimical relations with the victim, by conniving with 3-4 accomplices had killed his brother, he prayed for taking action against them. After registration of FIR, investigation proceedings were initiated. Postmortem examination of the dead body and inquest proceedings were conducted. The accused Vikram and Sombir were arrested on 05.03.2024. They suffered disclosure statements admitting their involvement in the murder of the victim by hatching conspiracy with the present petitioner and the co-accused on the basis of which, the present petitioner was also nominated as such. He was arrested on 06.03.2024. He too suffered a disclosure statement admitting that in pursuance of a conspiracy with the co-accused and by forming membership of an unlawful assembly, they had gone towards the place of occurrence wherein the victim had been called by co-accused Sonia and thereafter, they had caught hold of the victim who had reached at the spot in a car pulled him out and then the accused Sombir had shot at him. He also demarcated the place of occurrence in pursuance of the disclosure statement. Investigation stands concluded.

3. The present petition has been filed by the petitioner on the

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grounds and it is argued by his counsel that he has been falsely implicated in this case. He was not named in the FIR and has been nominated on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No specific overt act which amounted to murder of the victim has been attributed to him. Rather the firearm injury which proved fatal to the victim, has been attributed to the co-accused Sombir. He does not have any criminal antecedents. Trial will take time since even charges have not been framed so far. He is in custody since 07.03.2024. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has vehemently argued that there are serious allegations against the petitioner who hatched a conspiracy with the co-accused Vikram, Sombir and others to eliminate the victim. Thereafter, in pursuance of that conspiracy, the co-accused Sonia who was a friend of the co-accused Vikram had induced the victim to meet her at Village Badanpur and called him there. As already planned, the petitioner along with the co-accused also reached there. They had pulled the victim out of his vehicle and then the victim was shot at by accused Sombir. It is argued that there is nothing on record to show that there would be any undue delay in conclusion of the trial. There are chances of petitioner's absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that he does not deserve to be extended benefit of bail.

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

6. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, to have murdered the victim Sushil Sharma in the morning of 01.03.2024. There are grave allegations against him. The trial has commenced. 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, it is held that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

16.01.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No