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

**CRM-M No.11491 of 2025
Date of Decision: 02.04.2025
Reserved on: 25.03.2025**

Ankit @ Baba

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Edward Augustine George, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.151 dated 02.03.2022 registered under Sections 302, 120-B and 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Shivaji Colony, District Rohtak. His previous petition bearing CRM-M No.9009 of 2024 had been dismissed as withdrawn vide order dated 20.03.2024.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Dalbir who was working as Bank Mittar for S.H. Gramin Bank, alleging therein that he used to run his office from his house. On 02.03.2022 at about 5 PM, he was working in

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his office when the petitioner who was already known to him, reached there along with two youths. The petitioner told him to deposit some money. The complainant told him that it could not be deposited at that point of time. The petitioner and others left but then immediately came back and fired a shot while aiming at Rohit @ Bajrang who was sitting in the office. Victim Rajender father of complainant was also present there. He rushed for apprehending the assailants but he too sustained firearm injury and died at the spot. Rohit also succumbed to the injuries and died on way to the hospital. After registration of FIR, investigation proceedings were initiated. Postmortem examination of the dead bodies and inquest proceedings were conducted. One countrymade pistol, empty bullet cartridges and live cartridges were recovered from the spot. The accused Mohit @ Chusti and Anil were arrested during investigation. They were interrogated and suffered disclosure statement on the basis of which offence under Section 120-B of IPC was added. The accused Sunil @ Tatra, Sunny, Vinit @ Vinny, Yash @ Ganju and Amit @ Mitta were arrested subsequently. The petitioner was arrested on 14.03.2022. He too suffered disclosure statement wherein it was admitted that he had hatched a conspiracy to kill the victim Rohit @ Bajrang. He demarcated the place of occurrence and got recovered a pistol and live cartridges. Investigation stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 14.03.2022. The eye-witness Balwan has not identified the petitioner as the assailant of the victims. He had been given benefit of interim regular bail for two weeks and

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did not misuse the same. The trial is likely to take considerable time as only 7 out of 27 witnesses have been examined so far. His further incarceration would not serve any useful purpose. Therefore, it is argued that he deserves to be released on bail.

4. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner. He was named in the FIR. He played an active role in hatching conspiracy to open an attack upon the victim Rohit @ Bajrang and had fired shot on the victim Rohit with his countrymade pistol. The said pistol has been recovered at his instance. He is a habitual offender since seven more cases have been registered against him. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. The complainant is yet to be examined. The testimony of PW-5 who has turned hostile, cannot be considered to be sufficient for extending benefit of bail to the petitioner. With these broad submissions, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have hatched a conspiracy with co-accused to kill one of the victims namely, Rohit @ Bajrang and in pursuance thereof, he along with some of the co-accused is alleged to have reached at the office of the complainant on the fateful evening and had fired shots thereby killing not only Rohit @ Bajrang but also the father of the complainant. No doubt PW Balwan who is father of deceased Rohit @ Bajrang, has not identified the assailants and did not name the petitioner as

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one of the persons who had fired shots but complainant who was also present at the spot is yet to be examined. The allegations against the petitioner are serious in nature. Keeping in view the gravity of these allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be released on bail. Accordingly, the petition is dismissed.

02.04.2025

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**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No