

2025:PHHC:063492



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

329 + 142

CRM-M-2569-2025 (O&M)
Date of decision: May 13, 2025

ANKIT @ TONI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh K. Dhankhar, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana
With ASI Jaswant.

Mr. Raman Chawla, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-19927-2025

The instant application is allowed as prayed for, and Annexures
P-2 to P-6 are taken on record.

Main case

1. The instant petition has been filed under Section 483 of BNSS,
2023 for grant of regular bail to the petitioner in case FIR No.309 dated
22.10.2023 under Sections 148, 149, 302 of the Indian Penal Code, 1860
(and Section 120-B IPC added later on), registered at Police Station Siwani,
District Bhiwani.



2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the petitioner is neither named in the FIR nor attributed any specific role in the initial complaint. His name surfaced only during the investigation, allegedly through disclosure statements made by co-accused persons, which by themselves are inadmissible in evidence under law.

3. It is further submitted by learned counsel for the petitioner that no recovery has been effected from the petitioner, and that there is no eyewitness or independent material directly connecting him to the alleged occurrence. Learned counsel contends that the CCTV footage collected during the investigation does not clearly depict the petitioner; only the lower portion of one of alleged assailants is visible, which the prosecution presumes to be that of the petitioner. However, this identification, as per the learned counsel, remains speculative and unsubstantiated. It has been further submitted that the dying declaration of the deceased, which no doubt holds significant probative value, does not name the petitioner.

4. Learned counsel for the petitioner has also drawn the attention of this Court to the fact that the co-accused, who are similarly situated, have already been granted the concession of bail. It has been asserted that the petitioner has clean antecedents and has now been in custody since 22.12.2023. It has still further been emphasized that the investigation is complete, chargesheet has been filed, and the trial is likely to take considerable time to conclude, as only 1 out of 57 prosecution witnesses has



been examined so far. It has been also pointed out that the most material witness i.e. the complainant has since been examined.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite, primarily on the ground of the gravity and seriousness of the offence, as well as the nature of injuries suffered by the deceased. However, learned State counsel, on instructions, does not dispute that the co-accused have already been granted bail. The status of the trial and the fact that the complainant has been examined, have also not been disputed by the learned State counsel, on instructions.

6. On a specific query posed by this Court, the learned State counsel, on instructions, has candidly submitted that while certain co-accused are clearly identifiable in the CCTV footage, the petitioner is not distinctly visible. Only the lower portion of one of the alleged assailants is seen, and the prosecution suspects that this may be the petitioner.

7. In addition, learned State counsel and learned counsel for the complainant have reiterated the allegations levelled in the FIR in question, which is reproduced hereinunder: -

“To, Chowki Incharge, Jhumpa Kalan. Sir, it is requested that I Anil Kumar son of Shri Kuldeep Singh resident of Garva. We are two brothers. My elder brother was 21.10.2023 at Vikram Kumar. around 7.00 On PM, my brother Vikram left home saying that it was the birthday of Vikas son of Mandroop Singh resident of Garwa, he had invited me 22.10.2023, at to the party. around 1.00 AM, On I received a call from Sandeep s/o



Shri Dharampal resident of Garwa, he informed me that Vikram's car was parked near Jhinga Farm on the Suratpura Road near to Vikas's field and the Vikram was being assaulted. Later, I came to know that Vikas son of Shri Mandroop, Krishna s/o Shri Sumer Jakhar resident of Surpura held a grudge against my brother Vikram due to revenge a quarrel took place in the year 2019, Krishan s/o Sumer r/o Surpura, Sumit s/o Bhagwan Singh r/o Garwa, Vikas s/o Mandroop r/o Garwa, Parveen s/o Dilbagh r/o Garwa, Akshay s/o Mai Chand r/o Garwa alongwith 3-4 other persons armed with sharp edged weapons, sticks, iron rods, sarias attacked him with the intent to kill. As soon as I arrived at the scene, I saw all the accused fleeing. The, I alongwith brother Sombir s/o Rajbir, Vikas s/o Rajbir and Rajbir s/o Ganpat Ram took Vikram from the spot to Hisar for treatment. On the way, my brother Vikram told me that Vikas, Akshay, Sumit, Krishan, Parveen and 3-4 other persons had attacked me due to an old grudge they brutally beat me with sticks, iron rods and sharp edged weapons intending to kill me. Upon reaching Hisar Hospital, the doctors declared my brother Vikram dead. It is, therefore requested that the strictest punishment be given to the accused for my brother's murder and provide us with justice. Sd/- Anil Kumar, Applicant Anil Kumar s/o Shri Kuldeep Singh r/o Garwa, Tehsil Siwani, District Bhiwani, Haryana, Mob. No. 95180-89780, 8607844454 dated 22.10.2023.”

8. A prayer has, therefore, been made for dismissal of the instant petition in view of the brutal attack.
9. I have heard learned counsel for the parties and perused the relevant material placed on record.



10. The petitioner has been in custody for over 1 year and 5 months, having been arrested on 22.12.2023. The case against him *prima facie* rests on circumstantial evidence. It is an admitted position that the petitioner is not clearly visible in the CCTV footage, and his name does not appear in the dying declaration of the deceased. No specific overt act has been attributed to the petitioner, nor has any incriminating recovery been made from him. Significantly, co-accused, who are similarly placed, have already been released on bail. The petitioner is not stated to be involved in any other criminal case.

11. The trial is likely to be prolonged as only the complainant stands examined with 56 prosecution witnesses remaining to be examined. Further incarceration of the petitioner, in a case based predominantly on circumstantial evidence and in the absence of any direct or independent material linking him to the offence, would not serve any useful purpose.

12. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner.

13. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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.

2025:PHHC:063492



CRM-M-2569-2025 (O&M)

-6-

15. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 13, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*