



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

236

CRM-M-18748-2024 (O&amp;M)

Date of decision: 24.04.2025

Deepanshu @ Chhoa

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Sukesh Kumar Jindal, Advocate and  
Ms. Komal Jindal, Advocate  
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

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**MANJARI NEHRU KAUL, J.**

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.279 dated 07.09.2019 under Sections 302, 120-B, 34, 412 of the IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Asaudha, District Jhajjar.

2. Reply by way of affidavit of Dinesh Kumar, HPS, Assistant Commissioner of Police, Bahadurgarh, District Jhajjar, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner; he was neither named in the FIR (Annexure P-1) nor was any role attributed to him in



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the murder of Dharminder. It has been further argued that after 03 days of the alleged occurrence on 10.09.2019, a supplementary statement was made by the complainant who for the first time introduced the petitioner as an accused in the present case. It has been further argued that the petitioner being innocent is also evident from the fact that while testifying before the learned Trial Court, the complainant in his cross-examination levelled no allegation against the petitioner and instead deposed that it was Himanshu who along with the co-accused had murdered the deceased. It has been lastly submitted by the learned counsel that only 11 prosecution witnesses out of the 32 cited, have been examined till date and, therefore, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. In addition, it has been urged that as all the material witnesses stand examined, there can now be no apprehension of the petitioner influencing/intimidating the material witnesses.

4. *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, on instructions, that no doubt as many as 21 prosecution witnesses remain to be examined, however, they are all mostly formal in nature and there is every likelihood that in the given circumstances the trial would not take much time to conclude. Learned State counsel has also, on instruction, submitted that the delay in the conclusion of the trial is partly on account of the petitioner's involvement in other pending criminal cases where also he has to be



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produced on different dates of hearing. Learned State counsel has vehemently disputed the submissions made by the counsel opposite that the petitioner was not named in the FIR in question. Rather, it has been submitted by the learned State counsel that it had been clearly mentioned in the FIR that the petitioner along with the co-accused had come to the spot and carried out the crime in question on account of a history of strained relations between the parties. It has been submitted that it is a matter of record that on a previous occasion another family member of the complainant party had been murdered by the accused party. It has been, on further instructions, submitted by the learned State counsel that after the accused including the petitioner were arrested, a disclosure statement was suffered by the petitioner and other accused. The petitioner following the disclosure statement got recovered the weapon of offence along with live cartridges.

5. Learned State counsel while further drawing the attention of this Court to the reply filed today, has submitted that as per the FSL report dated 14.01.2020, the bullets recovered from the body of the deceased as well as the empty shells recovered from the place of occurrence, have matched with the weapon of offence recovered from the possession of the present petitioner. It has been, therefore, asserted that it leaves no manner of doubt that the petitioner had not only participated in the crime in question, but was an active participant as well. Still further, on instructions, it has been brought to the notice of this Court that all the material witnesses including the eyewitnesses have not only been examined but have supported the case of the



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prosecution in its entirety. It has also been submitted, on further instructions, by the learned State counsel that the petitioner is a habitual offender as it is a matter of record that he is involved in a number of criminal cases, each involving grave and heinous crimes; in case the petitioner is enlarged on bail and that too at this stage when only formal witnesses out of the remaining 16 remain to be examined, there is a strong likelihood that he could either abscond or yet again commit similar crimes moreso when there is a history of strained relations between the accused party and the complainant. A prayer has, therefore, been made for dismissal of the present petition.

6. I have heard learn council and perused the relevant material record.

7. As per the case of the prosecution, the petitioner fired the fatal shots towards the deceased. All the material witnesses have supported the case of the prosecution and identified the petitioner as being one of the alleged assailants, who actively participated in the occurrence in question. The petitioner is involved in as many as 07 criminal cases involving heinous crimes. This Court, therefore, is not inclined to extend the concession of bail to the petitioner at this stage when only formal witnesses remain to be examined.

8. Accordingly, the instant petition is hereby dismissed.

9. Pending applications, if any, stand disposed of.

10. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.



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11. However, the learned Trial Court is directed to make earnest efforts to expedite the trial and conclude the same expeditiously, preferably on or before 31.07.2025.

12. It goes without saying that the prosecution as well as the defence would extend full cooperation in the expeditious conclusion of the trial.

**24.04.2025**

Vinay

**(MANJARI NEHRU KAUL)**  
**JUDGE**

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