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

**CRM-M No.12214 of 2025  
Date of Decision: 15.05.2025  
Reserved on: 12.05.2025**

Shyam

... Petitioner

Versus

The State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. R.K. Choudhary, Advocate,  
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,  
for the respondent-State.

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**MANISHA BATRA, J.**

1. The instant one is the second petition filed by the petitioner for grant of regular bail in case arising out of FIR No.466 dated 20.06.2021 registered under Sections 302, 384, 379-B, 34 and 506 of IPC and Section 25 of Arms Act, 1959 at Police Station Camp Palwal, District Palwal. The previous petition filed by the petitioner had been dismissed as withdrawn.

2. Adumbrated facts as emanating from the record are that the complainant Mohit was working at Pawan Truck Dhaba along with his

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cousin Amit from two and half months prior to the date of occurrence. On the intervening night of 19/20.06.2021, the complainant and Amit were closing the dhaba when the petitioner accompanied by co-accused Sonu, Sushank and one unknown person reached there. They asked about the whereabouts of Pawan Dhaba owner and proclaimed that they would deal with the dhaba owner and would have free meals. Thereafter, the petitioner took out a countrymade pistol and immediately fired a shot with the same thereby hitting the victim Amit on the left side of his abdomen. Amit fell on the ground. The petitioner fired another shot towards the complainant Mohit who to save himself tried to flee. Mohit had a narrow escape. The assailants then took an amount of Rs.10-11,000/- kept in the cash counter and thereafter fled from the spot. The victim Amit was rushed to hospital but he succumbed to the injuries during the treatment. After registration of FIR, investigation proceedings were initiated. Postmortem examination of his dead body and inquest proceedings were conducted. The petitioner was arrested on 21.06.2021. He suffered disclosure statement on interrogation and got recovered one pistol along with one live cartridge and an amount of Rs.1500/-. The co-accused were also arrested. Presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to some wrong identification by the complainant. He is in custody since long. The complainant and other eye-

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witnesses as well as some material witnesses have already been examined and they have not identified the petitioner as assailant of the victim Amit and have not supported the prosecution version. The co-accused Sushank already been given benefit of bail. On parity, he too deserves to be given the same benefit. His further custody would not serve any useful purpose. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has already been filed. It is argued by learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner. He was named in the FIR which was registered shortly after the incident. As per the FSL report, the bullet recovered from the dead body of the victim is opined to be fired from the same weapon which was recovered from the petitioner. There is scientific evidence on record to connect the petitioner with the murder of the victim. The trial is going at a fast pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. The petitioner has criminal antecedents as he is involved in seven more cases one of which is a murder case. He was also involved in a gang rape case. There are chances of his absconding or committing similar offences if extended benefit of bail. Accordingly, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have gone to the dhaba where the victim Amit was working on the intervening night of

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19/20.06.2021, is alleged to have fired a shot thereby killing the victim Amit and is further alleged to have taken money from the cash counter kept in the dhaba. As per the further allegations, he had made ransom call to Pawan, owner of the Dhaba subsequently also and had threatened him. The petitioner has placed on record copies of sworn depositions of the witnesses recorded before the trial Court and a perusal of the same reveals that the complainant Mohit, eye-witnesses Raja Ram and Rajesh and Pawan owner of dhaba have not supported the prosecution case and have not implicated the petitioner with the murder of the victim. However, the incriminating evidence is still available on record connecting the petitioner with the crime since as per the FSL report, the pistol which was used in the crime and had been recovered at the instance of the petitioner is proved to have been used since the bullet recovered from the dead body of the victim was fired from the same weapon. As revealed from the record as many as 19 out of 28 witnesses of the prosecution have already been examined meaning thereby the trial is going on at a fast pace. The case of co-accused Sushank who was released on bail by Coordinate Bench of this Court is not on the same footing as case of the present petitioner. Therefore, the same cannot be treated to be at parity. The petitioner is a habitual offender. Keeping in view the nature of the allegations levelled against him, his antecedents, 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, this Court is of the considered opinion that the petition does not

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deserve to be allowed. Accordingly, the same is dismissed.

15.05.2025

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**(MANISHA BATRA)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No