



233

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

**CRM-M-61629-2024**

**Date of Decision: 19.03.2025**

Bhanu Pratap alias Khottu

...Petitioner

vs.

State of Haryana

...Respondent

**Coram :** Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Zorawar Singh Chauhan, Advocate  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. B.K.Bagri, Advocate  
for the complainant.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.216 dated 06.07.2024 registered under Section 103(1) (Section 3(5) of BNS deleted later on and Section 61(2) of BNS added later on) and Section 25 of Arms Act, at Police Station Kasola, District Rewari.

2. Learned counsel for the petitioner contends that the petitioner is a student of BBA course at Indira Gandhi University, Rewari and has been falsely involved in the present case. Learned counsel further contends that the petitioner has neither named in the FIR nor there is any averment in the FIR, which even remotely connects him with the commission of crime. As per learned counsel, three accused, namely, S.P. @ Shiv, Sunny Gujjar and Amit were named as the assailants in the present case and S.P. @ Shiv had fired shots



on Dinesh, since deceased. By referring to the post-mortem report (Annexure P-2), learned counsel submits that Dinesh (since deceased) had suffered only one firearm injury, which is attributed to co-accused, S.P. @ Shiv. Learned counsel further contends that the petitioner has been arrayed as an accused in the present case on the basis of the disclosure statement made by S.P. @ Shiv, wherein, it was stated that the petitioner had done recce before the occurrence and had also dropped the main accused from the place of occurrence to some other place by using his motorcycle. Learned counsel further contends that in the present case, Nitin (juvenile), who was also similarly placed, has already been admitted to bail by the concerned Court. Apart from that, Sunil @ Sunny has also been granted the benefit of bail by the trial Court on 10.10.2024 as the challan could not be presented by the police within the statutory time period. Learned counsel further contends that the petitioner was arrested in the present case on 18.07.2024 and the challan has already been presented against him. Apart from that, the main accused, namely, S.P. @ Shiv has already been arrested by the police and is behind bars in the present case.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had also actively participated in the crime and had not only conducted the recce before the occurrence but also helped the main accused in escaping from the scene of crime. However, it is an admitted that S.P. @ Shiv has now been arrested and is behind bars.



4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner has been arrested on the basis of the disclosure statement suffered by S.P. @ Shiv and it has been stated that the petitioner had conducted the recce prior to the occurrence. However, the evidentiary value of such statement is yet to be decided by the trial Court only during the course of trial. Apart from that, the call details between the petitioner and other accused has also not been collected by the police and the prosecution is yet to lead evidence to prove the involvement of the petitioner in the crime. The petitioner is in custody for the last more than 08 months and the challan has already been presented against him. Moreover, the prosecution has not been able to place on record any material to show that the petitioner is in a position to tamper with the prosecution evidence or there are chances of fleeing from the process of justice.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)  
JUDGE

19.03.2025  
hemlata

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