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

**CRM-M No.22705 of 2025  
Date of Decision: 15.09.2025  
Reserved on: 08.09.2025**

Irfan ... Petitioner

Versus

State of Haryana ... Respondent

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

Present: Mr. Ajay Chauhan, Advocate,  
for the petitioner.

Ms. Himani Arora, DAG, Haryana,  
for the respondent-State.

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**MANISHA BATRA, J.**

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
351	28.06.2020	Mujesar, District Faridabad	323, 324, 341, 148 and 149 of IPC (325, 302 and 120-B of IPC added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint submitted by the complainant Ankit on 28.06.2020 alleging therein that he was a milk vendor. About 3-4 days back, a verbal

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altercation had taken place between him and Abhishek co-villager. On the same day, he was going towards Ballabgarh and when he reached at Sohna road on his bike, he was intercepted by accused Jairaj who opened an assault upon him by causing injuries to him with a danda. In the meanwhile, the accused Abhishek and Nikke also reached there while armed with dandas. They too started extending beatings to him. He somehow managed to save himself and rushed towards Ballabgarh. After sometime when he was going back towards his house, he was intercepted by the above named persons who along with two unknown youths and accused Kuldeep, Sunil and Kalu stopped him and started assaulting him. Abhishek struck a blow with knife on his chest, accused Jairaj struck injuries with an iron rod and the remaining assailants assaulted him with dandas. He had become unconscious and was admitted in hospital for treatment. Initially, a case under Sections 148, 323, 324 and 341 read with Section 149 of IPC was registered. Investigation proceedings were initiated. During the course of treatment, the complainant succumbed to his injuries and died on 01.07.2020. Offence under Section 302 of IPC was added. The accused Abhishek was arrested on 04.07.2020. He suffered disclosure statement on the basis of which the present petitioner was nominated as an accused. The co-accused were arrested. Offence under Section 120-B of IPC was added. The petitioner was arrested on 20.12.2024. On interrogation, he suffered disclosure statement admitting his involvement in the crime and demarcated the place of occurrence. Investigation qua him stands concluded.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No injury on the person of the victim has been attributed to him and such injuries have been attributed to the co-accused Abhishek and Jairaj only. The co-accused Sunil, Kalu and Charan Singh have been found to be innocent and have not been challaned which shows that the version of the co-accused Abhishek who had disclosed the names of above named accused, cannot be believed in any manner. The petitioner had no motive to kill the victim. No scientific evidence in the form of call detail record and mobile phone location of the petitioner has been collected to connect him with the crime. He has clean antecedents. The co-accused Nikke, Jairaj, Saroj @ Sheoraj and Abhishek have been extended benefit of bail. He too deserves to be extended the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, he is alleged to have caused injuries to the victim

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Ankit which resulted in his homicidal death on 01.07.2020. The allegations against the petitioner are serious in nature. Supplementary challan qua him has been presented. The material witnesses are yet to be examined. As per the postmortem report, five injuries had been sustained by the victim. The injury which was opined to be fatal has been attributed to the co-accused Abhishek and not to the petitioner. No specific attribution has been made to the petitioner. The injuries with dandas have been alleged to have been caused by him and the other accused on the person of the victim but they were on non vital parts. The co-accused Nikke, Jairaj, Saroj @ Sheoraj qua whom similar allegations have been levelled have been extended benefit of bail. Even accused Abhishek has been ordered to be released on regular bail. Keeping in view the nature of the allegations levelled against the petitioner, the part alleged to be played by him in the occurrence, the period of his incarceration, his antecedents and on parity but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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

**15.09.2025**  
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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No