

2025:PHHC:115288



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

219

CRM-M-64092-2024

Date of decision: August 28, 2025

RAHUL @ BRAHAMCHARI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. G.S. Chhina, AAG, Haryana.

Mr. A.P. Bhandari, Advocate with
Ms. Bhargavi, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.196 dated 21.07.2022 under Sections 302, 120-B, 201, 34 of the Indian Penal Code, 1860 and Sections 25, 29 of the Arms Act, 1959, registered at Police Station Chhainsa, District Faridabad (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR in question, which is based on alleged eyewitness account. The petitioner came to be nominated subsequently on the basis of a disclosure statement purportedly suffered by co-accused Ajay. It has been asserted that the disclosure statement, on the basis of which the petitioner



has been nominated as an accused, holds little evidentiary value and clearly points to his false implication in the present case. It has also been submitted that the complainant, while stepping into the witness box, had improved upon his earlier version inasmuch as initially he had alleged that there were 4 persons who had intercepted the deceased after coming out of a car and fired fatal shots on him, however, during trial, he stated that in fact, there were as many as 5 assailants, who participated in the crime in question. Learned counsel submits that in the circumstances, it clearly comes across that the petitioner is innocent. It has also been submitted that the petitioner had no motive to participate in the occurrence in question, much less fire towards the deceased as even the motive to eliminate the deceased lay with co-accused Ajay. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, since the petitioner has been in custody for almost three years having been arrested on 28.07.2022, and 36 witnesses remain to be examined, the petitioner be admitted to bail as there is no possibility of the trial concluding in the near future.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite, and reiterated the allegations levelled in the FIR in question (Annexure P-1), which stands reproduced hereinunder:-

*“To the SHO, Police Station Chhanyasa, District Faridabad.
Subject. Regarding the murder with conspiracy, Sir, I request that | Harendra S/oJeevan Singh resident of village Kakod, UP presently residing at village Changa, District Faridabad. My brother-in-law Rajkumar's house is at some distance from my*



living room. My brother-in-law Rajkumar and my sister Gayatri had gone on a pilgrimage to Mata Vaishno Devi. I am coming from my room to my brother-in-law's house today on 21.07.2022 at around 6.15 AM. there is a vacant plot next to it. Where my nephew Rahul's son of Rajkumar R/o Chhanysa, his friends Yogesh's son of Chaman and Lalit's son of Ashok residents Chhanysa were also sitting, then four boys came in a white colored car POLO and the driver was sitting on the seat and three boys came out from the car All three of them had pistol/revolver weapons in their hands who fired at Rahul in front of me. My nephew tried to run away but the three assailants pinned him down and shot him several times on head and body. I and the people of the neighborhood threw bricks and stones at these attackers, these people ran away sitting in their car POLO Volkswagen. After that I brought my nephew Rahul to the hospital with help of gathered person. Where the doctor declared my nephew Rahul dead. That my nephew has been killed by firing shots under some conspiracy. I did not know the people who killed my nephew Rahul. But I can recognize them if comes in frontme. You are requested to find the killers of my nephew Rahul and take strict action. SD Harender.”

4. It has been submitted by the learned State counsel, on instructions, that no doubt, the petitioner was not named in the FIR in question, however, while stepping into the witness box, PW Harinder Singh (complainant and eyewitness) had clearly identified the petitioner as being one of the assailants, who not only participated in the occurrence in question but also fired towards the deceased. It has been also submitted that the ocular testimony finds due corroboration with the medical evidence on record as the deceased suffered multiple firearm injuries on his person; one of the weapons of offence was recovered pursuant to the disclosure statement made by the petitioner himself. *Qua* the submission made with respect to the improvement by the complainant during trial, it has been



asserted that it could not be termed as an improvement inasmuch as even in the FIR, it has been categorically alleged that there were four assailants and the fifth person was the driver, who was seated in the car. Therefore, the testimony before the learned trial Court was almost to the same effect.

5. I have heard learned counsel for the parties and peruse the relevant material placed on record.

6. When this Court was not inclined to extend the concession of bail to the petitioner in view of the *prima facie* allegations against the petitioner, a prayer was made by learned counsel for the petitioner for withdrawal of the instant petition.

7. Ordered accordingly.

8. Dismissed as withdrawn.

9. 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.

August 28, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*