

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

CRM-M-31610-2025 (O&M)

Shankar

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.01.2026
2	The date when the judgment is pronounced	23.01.2026
3	The date when the judgment is uploaded on the website	23.01.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kunal Dawar, Senior Advocate with
Mr. Shashikant Singh, Advocate
for the petitioner.

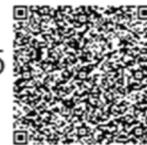
Ms. Himani Arora, DAG, Haryana.

Ms. Shreya Bublani, Advocate
for the complainant.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 176 dated 01.10.2023, registered under Sections 148, 149, 302, 323, 324, 379-B, 452, 506 of IPC (Sections 325, 120-B and 201 of IPC added later on) at Police Station Tigaon, Faridabad.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the complaint of

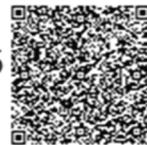


complainant Rajesh filed on 01.10.2023 alleging therein that on the same day, he along with his family members was present in his house. At about 08:30 AM, Rakesh Sharma, Rajesh Sharma, Ramesh, Dhanesh, Sandeep, Kallu, Sonu, Mohit son of Dhanesh, Gajender, Naveen, Karambir Sharma, wife of Rakesh Sharma, wife of Dhanesh, wife of Ramesh and son of Karambir entered into the house of the complainant armed with rods, dandas and they started giving beatings to his family members. Rakesh Sharma gave blows with a rod on the hand, legs and chest of his mother Guddi. Co-accused Karambir gave blows with a rod on the legs, hand and waist of the complainant's father. Co-accused Kallu also gave rod blows on the leg of complainant's brother Rakesh. Co-accused Mohit, Parveen and Kallu gave beatings to Gunjan and Swati, sisters of the complainant, as well as to complainant's father Prabhunath. Co-accused Rakesh Sharma and other assailants also gave beatings to Prabhunath and other family members of the complainant. During the incident, the accused persons also recorded a video of the sisters of the complainant, whose clothing was torn. They also took away an amount of Rs. 20,000/- and some other articles from the house of the complainant. The injured were brought to Central Hospital, Ballabghar for treatment. During the course of treatment, Prabhunath, father of the complainant, succumbed to his injuries at Central Hospital, Ballabghar. As alleged by the complainant, the cause of incident was that on 29.09.2023, the accused persons had left open their cattle in the fields of the complainant party, due to which, they suffered loss of the crop and in that regard, they had given a complaint against them and also that they had not voted for Rakesh Sarpanch in the Panchayat elections. The complainant prayed for taking legal action against the culprits. Inquest proceedings and postmortem examination of the dead body



of the victim were conducted. After registration of the FIR, investigation proceedings were initiated. The accused persons were arrested. During the course of investigation, disclosure statements of co-accused Ravinder @ Kallu and Mohit s/o Dhanesh were recorded, wherein they named the petitioner as one of the assailants. The petitioner was also arrested on 16.11.2023. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. He was neither named in the FIR nor his presence at the spot had been established. Neither any specific overt act nor any specific injury on the person of deceased victim Prabhunath has been attributed to him. A false recovery of a baseball bat has been planted upon him. Investigation has since been completed and *challan* has been filed. During his examination before the learned trial Court, the complainant has not supported the prosecution version. Conclusion of trial would take considerable time. The petitioner is in custody since 16.11.2023. Co-accused Omdutt Saini, Vinay, Aniket @ Monnu, Rohit Mandiya and Mohit have already been granted concession of regular bail by this Court. Even co-accused Sumit, whose bail petition had been dismissed by this Court on 25.02.2025, has been granted concession of regular bail by the Hon'ble Supreme Court. The case of the petitioner is even on better footing. On parity, the petitioner too deserves to be given the same benefit. His further

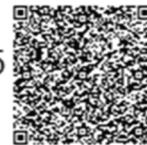


detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report and the custody certificate of the petitioner have been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious allegations against the petitioner as by forming membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he and co-accused had opened an assault upon the family members of the complainant and caused injuries to them, thereby causing homicidal death of victim Prabhunath. The allegations against him are serious in nature. There are chances of his absconding, if extended benefit of bail. Therefore, he has argued that the present petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, on the night of 01.10.2023, the co-accused and the present petitioner formed an unlawful assembly for the purpose of opening an attack upon the family members of the complainant so as to make them leave the farmhouse, in which they were staying and in prosecution of their common object, co-accused Ravinder, petitioner Shankar, Rambal and Mohit s/o Dhanesh had gone towards the farmhouse in a car, whereas the co-accused had proceeded on foot towards the said farmhouse and they had opened an assault upon the family members of the complainant. The attribution as made to the present petitioner in the commission of subject offences is that he had also accompanied the co-accused while going towards the farm house in a car. However, no specific injury on the person of the deceased or any other injured person has been attributed to the petitioner nor any specific overt act



resulting into homicidal death of victim Prabhunath has been attributed to him. He was not named by the complainant or either of the injured. The complainant has since been examined but has not implicated the petitioner. The question that he had hatched any conspiracy with co-accused or had formed membership of an unlawful assembly with them has to be decided on thorough assessment of the evidence to be produced during trial and not at this stage. It is well settled that in case of group violence, individual roles must be specifically established and mere presence at the scene of crime cannot impute the same level of culpability to all accused. The absence of such specific evidence militates against the denial of bail. The case of the petitioner is even on better footing from the case of co-accused, who have since been extended benefit of bail. Keeping in view the period of incarceration of the petitioner, the fact that trial is likely to take substantial time to conclude, the nature of the allegations levelled against him and the attendant facts and circumstances of the case, this Court is of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

23.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No