



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

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CRM-M-26188-2026 (O&M)
Date of decision : 14.05.2026

Ashu Sharma

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Navnit Sharma, Advocate for the petitioner.

Mr. Vishal Singh, Assistant Advocate General, Haryana.

Mr. Sanchit Punia, Advocate for the complainant.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.454 dated 23.09.2024, for the commission of offence punishable under Sections 103(1), 3(5), 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station City Hisar, District Hisar.

2. The abovementioned FIR came into being at the instance of 'Prerna', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that the marriage of her brother Amardeep was solemnized with Krishma, and that after marriage, the mother and step-father of Krishma used to harass complainant's father Vijay Ahuja. According to complainant, Krishma had even sold the gold jewellery gifted to her by her father-in-law Vijay Ahuja. As per complainant, on 23.09.2024



her father had gone on a two-wheeler for prayer in the temple and later on, she came to know that he was attacked by some unknown persons and admitted in hospital. According to complainant, in the hospital the doctor declared her father to be dead.

3. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Mr. Vishal Singh, Assistant Advocate General, Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. Memorandum of Appearance on behalf of the complainant has been filed. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, in the present case there is no eye-witness account to prove identity of the petitioner, as the person



responsible for the commission of crime. As per learned counsel for the petitioner, in fact merely on the basis of assumptions and presumptions and without any iota of evidence, the petitioner has been implicated in the present case.

9. In addition to above, the learned counsel for the petitioner has also contended that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than one year and seven months, and that the trial is taking place at a very slow pace. It has also been contended by learned counsel for the petitioner that even the story set-out by the prosecution nowhere alleges that the petitioner was responsible for causing injury on the person of deceased. In view of abovementioned contentions, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner.

10. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. The learned counsel for the complainant has contended that although in the present case there is no eye-witness account, yet, to prove the involvement of petitioner in the commission of crime, there is ample evidence. According to learned counsel for the complainant, the video footage captured by a CCTV camera makes it abundantly clear that the petitioner was tracking the movements of deceased along with his co-accused.

11. In addition to above, the learned counsel for the complainant has also argued that in the present case, the material witnesses are yet to be



examined, and that the total custody period of the petitioner cannot be termed to be a period of prolonged incarceration, as the petitioner is in custody for a period of one year and seven months only. In view of abovementioned arguments, the learned counsel for the complainant has sought for the dismissal of present petition.

12. The record has been perused carefully.

13. A perusal of record shows that in the present case, although there is no eye-witness account, yet there are very specific and categorical allegations against the petitioner, supported with *prima facie* evidence, that at the time of commission of offence, he was accompanying the main accused, and tracking the movement of deceased.

14. In addition to above, it is also relevant to mention here that in the present case, there is other piece of evidence showing the link between the petitioner and the commission of crime. In the present case, there are allegations against the petitioner that gold ornaments, etc., were received by the petitioner and his co-accused from the daughter-in-law of the deceased, which were later on sold to a jeweller at Hisar. The abovementioned evidence establishes a strong link between the commission of crime and the petitioner, as there are allegations of contract-killing by the petitioner and his co-accused. In the present case, the trial is at initial stage and the material witnesses are yet to be examined. At this stage, if the petitioner is released on bail, there are fair chances that he may influence the witnesses.



15. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby observed that at this stage, the petitioner is not entitled for the benefit of bail and the present petition deserves dismissal. The same is hereby ***dismissed***, accordingly.

16. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

14.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No