



242 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45715-2026

Shubham @ Kachu

....Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: August 27, 2026

Date of Uploading: August 27, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. R.A. Sheoran, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS for grant of regular bail to the petitioner, in case bearing FIR No.145 dated 11.04.2025, registered for the offences punishable under Sections 109(1)/ 111(2)(b)/ 126/ 190/ 191(3)/ 238(b) of the BNS, 2023 and Sections 25 and 25(1-B)(a) of the Arms Act, 1959, at Police Station Bhiwani City, District Bhiwani.

2. The gravamen of FIR in question is that the injured, namely, Vinod, alleged that on 11.04.2025, at about 11:30 A.M., he, along with Prashant and Sohan was proceeding on foot from their respective houses towards Dinod Road.

Upon reaching near the street of Subhash Halwai in Brijvasi Colony, Pardeep @

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Ainda, Gaurav @ Gaura, Sahil @ Kala, Beerpal, Rahul Nai, Vicky, Rajan, Monu @ Basandi, along with 5–6 other persons, suddenly arrived at the spot, wrongfully restrained them, and started pelting stones at them. It was further alleged that Sahil @ Kala fired a gunshot at the complainant with the intention to kill him, which struck his right leg. Gaurav @ Gaura also fired a shot from his pistol at Prashant with the intention to kill him, which hit Prashant on his right hand. The accused persons allegedly fired shots and pelted stones with the intention to cause their death.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 08.11.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further urged that, assuming *arguendo*, the prosecution version is taken to be correct, no fire shot is attributed to the petitioner. Learned counsel has submitted that as per FIR version, fire shot is attributed to the co-accused, namely, Sahil @ Kala and Gaurav @ Gaura. Learned counsel has submitted that co-accused, namely, Gaurav @ Gaura was found innocent by the police during the course of investigation, but has been subsequently summoned by the concerned trial Court by invoking powers under Section 319 of the Cr. P.C. (Section 358 of the BNS, 2023). Learned counsel has further submitted that the petitioner is in custody for more than 9 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned counsel seeks to place on record the custody certificate dated 25.08.2026, in the Court today, which is taken on record.

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5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 08.11.2025, whereinafter, the investigation was carried out and the challan *qua* the petitioner has been presented on 10.12.2025. Total 40 prosecution witnesses have been cited, out of which PW – Vinod (FIR-complainant) has been examined and thereafter, an application under Section 319 of Cr. P.C. (Section 358 of the BNS, 2023) was preferred. No other/ further witness has been examined subsequent thereto. It is not in dispute before this Court that the fire shot(s) in question has not been attributed to the petitioner. It is also not in dispute that the complainant/ injured, after receiving requisite medical treatment, stands discharged long ago. The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 25.08.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 17 days & is not shown to be involved in any other FIR/case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is **allowed**. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty

Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 27, 2026
Naveen

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