

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2876-2025
Reserved on: 08.07.2025
Pronounced on: 30.07.2025

Kavish Arora ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Satish Saini, Advocate, for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Ms. Pawandeep Kaur, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
106	12.07.2023	Division No.2, Ludhiana	307 IPC & 25, 27 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 17 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR which is annexed with the present petition as Annexure P-1, which reads as follows:

“Stated that I am resident of above said address. We are three brothers. My middle brother Anil Rajput educated upto BCA. Kavish and Manish are friend of my brother who along with other partners jointly taken R. B. Plaza Hotel at Gurdwara Kalghidhar Road on lease. My brother Anil Rajput usually accompanied them. On 11.07.2023, Kavish, Manish and my brother Anil Rajput were sitting in the hotel room at Hotel R.B. Plaza where some altercation had taken place between them on account of which Kavish opened fired arm on my brother Anil Rajput and the bullet hit to the stomach of my brother and my brother fallen down. Kavish ran away from the spot along with his pistol. Manish and hotel manager Dalip Singh s/o Jaswinder Singh r/o Village Dodhar, Dist. Moga were present at the spot who took my brother Anil Rajput at CMC Hospital, Ludhiana for treatment where my brother is under treatment. Legal action be taken

against Kavish.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of his bail. He contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. Counsel for the complainant opposes bail.

6. The State’s counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“19. Role of the petitioner:

Petitioner fired a shot at Anil Rajput using a country-made pistol, which struck him in the stomach.

20. Evidence against the petitioner:

i) Statement of the complainant.

ii) Statement of the injured Anil Rajput.

iii) MLR of injured Anil Rajput.

iv) Confession of the petitioner.

v) Recovery of a country-made pistol along with two magazines and 18 live cartridges.”

REASONING:

8. Allegations against the petitioner are serious in nature and further his custody is very less, therefore he is not entitled to bail.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner’s custody of around 10 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

11. Regarding the delay in the trial, if the trial does not conclude within one year of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.07.2025
Jyoti-II/anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.