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

CRM-M-8169-2024

Date of decision : 13.01.2025

NISHANT ALIAS NISHU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.S. Duhan, Advocate
for the petitioner.

Mr. Satish Singla, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.390 dated 13.11.2021 registered for the offences punishable under Sections 307, 34, 120-B of IPC, 1860 and Sections 25, 54, 59 of Arms Act, 1959 at Police Station IMT Rohtak, District Rohtak.

2. At the outset, counsel for the petitioner prays that the present petition be treated to be the one under Section 483 of the BNSS 2023.

3. The prayer is allowed.

4. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.



5. As per the allegations levelled in the FIR, it has been alleged as under :

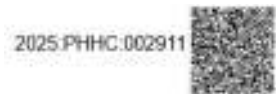
“xxx Sir, it is submitted that Pankaj S/O Sh. Pratap Singh is resident of village Bohar. We are four sister brothers, I am eldest, then sister whose name is Priyanka, then sister Poonam and youngest is Parveen. Today dated 13.11.21 at about 5.00 PM I received a information that accident has taken place of my younger brother Parveen in IMT Area. I and Pardeep S/o Rohtash Singh my uncle reached near Asian Factory at IMT where my brother and Nitesh S/o Ashok resident of Village Bohar were found smeared in blood and their vehicle HR12AG2274 Swift car of Nitesh was standing. That we took my brother and Nitesh to Kionos Hospital in our cars hurriedly where doctor told after checking that both have received bullet. These injuries are of gunshot fire. That some unknown person of unknown address with intention to kill my brother and Nitesh have got injured with bullet of the gun. That legal action be taken against unknown persons. Sd/- Pankaj Kumar Pankaj Nandal xxx.”

6. The petitioner has undergone incarceration for more than 1 year, 10 months and 11 days. Investigation already stands completed. Out of 23 cited witnesses, 6 material witnesses already stand examined including both the injured.

7. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

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

9. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner, the present petition is allowed.



The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 13, 2025			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No