



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-9724-2025
Decided on : 25.02.2025

Amrish Kumar . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Keshav Pratap Singh, Advocate
for the petitioner(s).

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Amrish Kumar	480	24.11.2023	307, 459, 506, 34 of IPC, 1860 and Section 25 of the Arms Act, 1959 (Sections 325, 120-B & 397 of IPC added later on).	Faridabad Central	Faridabad

2. Learned counsel for the petitioner, *inter alia*, contends that Naresh Mittal is the lodger of the FIR, who is son of sole injured Ashok Mittal. Incident in the present case took place on 24.11.2023 and as per the allegations levelled in FIR there was a deal in regard to the sale of land between the injured Ashok Mittal and the accused persons, namely; (i) Kulwant Chahal, (ii) Sanjay Gupta, (iii) Amrish Chaudhary, (iv) Pradeep @



Bhappal, and (v) Manoj Kumar @ Manoj. For transferring of the land, substantial amount has been paid by one of the accused namely; Amrish Chaudhary. However, the land was never transferred in the name of the accused persons, and thereupon, having grudge, accused Kulwant Chahal, fired a shot (single shot) upon injured Ashok Mittal, on his chest. Thus, the offence under Section 307 of IPC was registered against all the accused.

3. Learned counsel for the petitioner argues that as per the version of the FIR, it is accused – Kulwant Chahal only, who fired a single shot upon the injured Ashok Mittal, and even the presence of the petitioner on the spot, is not mentioned in the FIR. Further submits that after discharge from the hospital, it is the injured, who changed the version of the FIR and substituted the petitioner in place of accused – Kulwant Chahal with the allegation of firing shot upon the injured – Ashok Mittal. Thus, there being contradictory stand and no recovery of any weapon from the petitioner, the burden would be heavily upon the prosecution to prove the charges, as to who fired shot, whether the accused – Kulwant Chahal or the present petitioner. Recovery of country-made pistol has been effected from co-accused Manoj Kumar @ Manoj.

Besides, learned counsel submits that petitioner is inside the jail since 08.05.2024 and after completion of investigation, final report/challan has been submitted with the list of total 40 prosecution witnesses. However, none of them has been examined so far.

In addition, learned counsel informs that other co-accused i.e. Sanjay Gupta, Manoj Kumar @ Manoj, Kulwant Chahal, Pradeep @ Bhappal, have already been released on bail and the respective bail orders



are also annexed with present petition as Annexures P-2 to P-5, respectively.

4. On the other hand, learned State counsel though prays for some time to file status report, but she is unable to controvert any of the factual material, which is available on record i.e. substitution of the name of main accused – Kulwant Chahal with the present petitioner.

5. I have heard learned counsel for the parties and gone through the record with their able assistance.

6. Be that as it may, even if all the allegations are taken as they are, as projected by the petitioner through the appended documents, undoubtedly, it will be a moot question before the trial Court as to who fired the shot, so disclosed to the complainant on phone by one Deepak. Moreover, if Deepak was indeed an eye-witness, and the name of Kulwant Chahal was originally mentioned as the main accused, then it is imperative to examine what prompted the injured to suddenly change the version, and projecting the present petitioner as the main accused.

Since, there is long list of 40 prosecution witnesses, and none has been examined so far, as stated by learned counsel for the petitioner, prayer for bail seems to be worth considering.

7. Accordingly, prayer made in the present petition is **allowed**. Petitioner – Amrish Kumar, is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly



or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. However, it is made clear that in case any unwarranted effort is made by the petitioner to harm the victim/complainant or their family members, immediately, cognizance would be taken by the Superintendent of Police, Distt. Faridabad, and cancellation of the present bail order shall be sought.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 25, 2025

J.Ram

Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: Yes/~~No~~