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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(220)**

CRM-M-14436-2025 (O & M)

Date of decision: 06.08.2025

Abhishek

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Hukam Singh, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

CRM-27713-2025

The application for placing on record the statement of PW-3/Complainant-Naresh Yadav dated 24.01.2025 (Annexure P-4), is allowed as prayed for subject to all just exceptions. The same is taken on record.

CRM-M-14436-2025

The prayer in this second petition under Section 483 of the BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.11 dated 12.01.2024 under Sections 307, 34 IPC and Section 27(1) of the Arms Act, 1959 (Section 25(1B)(A) of the Arms Act, 1959) registered at Police Station Sector 53, District Gurugram.



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2. The present FIR came to be registered at the instance of Naresh Yadav and reads as under:-

To the Hon'ble Station House Officer, Police Station Sector 53. Sir, it is requested that I Naresh Yadav son of Suresh Yadav, am resident of H. No. 1825, Vazirabad, Sector 52. Gurugram. I have office under the name of Yadav Property in Plot No. "Sarswati Kunj Sector 53, Gurugram. About 4-5 days before. Sunny resident of Mangar and nephew of Dholu and another person came into my office and he said that this plot is mine, you should vacate it immediately. I told him that this is my plot and if you have any document of this plot, then show me, I will vacate it. He got angry and he told me that vacate this plot, otherwise you have to pay money against this plot. Thereafter these three persons have gone from there. Later on. 12.01.2024 at around 3.00 PM Sunny along with his two accompanies, nephew of Dholu and one another person came on a motorcycle near to my office and at that time I was sitting in my car. Sunny came towards my car and he sat on my adjoining seat of car and told me that you might vacate the plot, otherwise you have to pay money in lieu of said plot and when I told him that I have talked to Deepak Mandi, I will not give you anything, hearing this, he got annoyed and he told me to step out from the car, then we would talk and when I stepped out from my car and started talking to him, then Sunny came from one side and made fire on me with the intention to kill me and the alleged gun shot hit on my left hand, thereafter, I ran away from there to escape me but they had chased me to make firing on me but I got succeeded to ran from there. Legal action be taken against them. Sd/ Naresh. 9999854646. The copy of the FIR is annexed as Annexure P-1.



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3. The learned counsel for the petitioner contends that the complainant-Naresh Yadav was examined as PW-3 and has not supported the case of the prosecution. As the petitioner is in custody since 23.01.2024 but only 06 of the 31 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that Sunny fired at the complainant whereas the petitioner was accompanying him. The nature of the allegations levelled against the petitioner did not entitle him to the concession of bail. He, however, concedes that the complainant/PW-3 Naresh Yadav has not supported the case of the prosecution, that the petitioner is in custody since 23.01.2024 and that only 06 of the 31 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the complainant-Naresh Yadav was examined as PW-3 and has not supported the case of the prosecution. Whether the remaining evidence is sufficient to affix the guilt upon the accused and his co-accused shall be adjudicated upon during the course of the Trial. As the petitioner is in custody since 23.01.2024 and only 06 of the 31 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Abhishek is ordered to



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be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

- 8. The present petition stands disposed of.
- 9. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

August 06, 2025
sukhpreet

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