



116+252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-27456-2025 in/and
CRM-M-18808-2025
Date of Decision:21.07.2025

Aashish ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-27456-2025

1. Application is allowed subject to all just exceptions. Annexures P-8 and P-9 are taken on record.

CRM-M-18808-2025

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.234 dated 22.04.2024 registered under Sections 302, 307, 34 of IPC, 1860 and Section 25 of Arms Act, 1959 (Sections 25(1-B)(i), Sections 420, 467, 468, 471 of IPC, 1860 added later on), at Police Station Kundli, District Sonipat.

2. The FIR in the present case was registered on the basis of the statement made by Harish son of Dharamveer and the same has been reproduced below:-

“To SHO Sir, Police Station Kundli, Sonipat, Sir, I request that I am Haris S/O Dharamveer R/O resident of village Bajidpur Sabauli, Sonipat. Today on 21.04.2024 at about 7:00 PM I and my paternal uncle (Chacha) Amarjeet alias Monu S/o Ravind R/o Sabauli Sonipat were going to Narela to get food on my electronic scooter. When we reached in front of Jahaj Wali Kothi Mukhliyar's house, on Narela Sabauli Road a car no. HR-10-AD-1045, brand (120) white colour was parked on the road facing Nathupur in the centre. In which Golu S/o Narendra alias Pisu resident of Sabauli of our village was sitting on the driver's seat and Situ's friend was sitting on the side seat and behind Golu on the back seat Ashish alias Bali S/o Sunil of our village was sitting; along with him Mukesh alias Situ S/o Jai-Bhagwan resident of Ladrawan district Jhajjar was sitting. Golu called out to us and I was driving the scooter. My uncle Amarjeet was sitting behind me. Golu and Amarjeet are in the transport business. Golu said that you are interferes too much in my work, I had explained it to you earlier also that you want to become the sole transporter. That all the four persons sitting in the car started abusing my uncle and started talking of teaching him a lesson, in the meantime we turned back and Golu said, Situ shoot me, so Situ got down from the car and fired three shots from the pistol in his hand with the intention of killing me, one bullet went near my ear, I narrowly escaped and one bullet hit my uncle Amarjeet's waist from the right back below the hip, then I and Mohit R/o Sabauli sat him in the car and took my uncle to the hospital for treatment, where Doctor Sahab declared him dead, legal action should be taken against all the four of the above. SD HARISH 9728009053. ”

3. Learned counsel for the petitioner contends that as per case of the prosecution, the petitioner was simply present at the spot and he did not cause any injury to the deceased. Rather, as per the case of the prosecution, Mukesh

@ Situ, co-accused had fired the shots, which caused the death of the deceased. He further contends that even as per CCTV footage of the place of occurrence, the petitioner was trying to pacify both the parties and had requested them not to fight. The petitioner was arrested in the present case on 05.05.2024 and after completion of investigation, challan has already been presented against him. By referring to the testimony of the complainant, PW-1 Harish Kumar, learned counsel submits that as per the said witness, the petitioner had shifted the injured to the hospital and the complainant had not assigned any specific role to him in his testimony. Moreover, PW-2 Sumit, another material witness had also turned hostile in the present case. The petitioner is in custody for the last 01 year and 02 months and the material witnesses have already been examined by the prosecution.

4. On the other hand, reply by way of an affidavit of Assistant Commissioner of Police, Rai, Sonipat has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had also participated in the occurrence and the petition deserves to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner is simply stated to be present at the place of occurrence and no role was assigned to him. Moreover, the prosecution witnesses, namely PW-1 Harish and PW-2 Sumit have been examined and both the witnesses have not supported the case of the

prosecution. The petitioner is stated to be in custody for the last 01 year and 02 months and his further custody will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

21.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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