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

**CRM-M-21127-2025
Date of decision : 22.07.2025**

Rohit**....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Pardeep Balyan, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.124 dated 03.04.2023 under Sections 302 IPC read with Section 34 IPC and 25 of Arms Act (Sections 109, 120-B, 202 of IPC added lateron), registered at Police Station Bahalgarh, District Sonipat.
2. Succinctly the facts of the case are that the present case was registered on the statement complainant, namely, Sumit. It was alleged by the complainant that his brother Amit, who was a truck driver had left home on 03.04.2023. When his brother reached near the liquor store, two unknown boys came from the village side on motorcycle and fired several bullets upon his brother Amit. His brother died on the spot due to the gun shot injuries. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. The statement of one of eye-witness, namely, Sahil was recorded by the police. Two days



thereafter, the supplementary statement of the complainant was recorded i.e. on 05.04.2023. It is in the supplementary statement, the petitioner was named as one of the accused and thus, he was arrested on 20.04.2023, He approached the Learned Sessions Judge, Sonipat, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Sessions Judge, Sonipat vide order dated 26.03.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the case of the prosecution is totally based on the circumstantial evidences. He submits that though the prosecution had produced one witness, namely, Sahil who claimed himself to be an eye-witness, however, he was examined before the trial Court as PW-3 and had not supported the case of the prosecution and thus, he was declared hostile. He further submits that the complainant's supplementary statement was recorded 02 days after the occurrence, wherein, he named the petitioner as one of the accused in the present case. It is submitted that the complainant had recorded the supplementary statement on due deliberations and there is no evidence regarding the complicity of the petitioner except the allegations made by the complainant in his supplementary statement. He submits that co-accused, namely, Gaurav and Aman, have already been granted bail by this Court vide orders dated 28.11.2024 and 10.03.2025 passed in CRM-M-33373-2024 and CRM-M-63161-2024, respectively. He submits that the petitioner has no criminal antecedents. He submits that the material witnesses already stands



examined and thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the complicity of the petitioner had surfaced during the investigation. The petitioner was specifically named by the complainant in his supplementary statement recorded on 05.04.2023. He submits that in the CCTV footage co-accused, namely, Aman was seen at the place of occurrence. During investigation, co-accused, Aman, also made disclosure statement about the involvement of the petitioner. He has produced the custody certificate of the petitioner on record. He, on instructions, has submitted that out of total 21 prosecution witnesses, 16 witnesses have been examined and thus, the trial is virtually at the fag end. He thus, submits that keeping in view the facts and circumstances of the present case, no case for grant of bail to the petitioner, is made out.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused on the basis of supplementary statement of the complainant and thereafter, the disclosure statement of co-accused, Aman. However, co-accused, Aman is already on bail. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 03 months and 02 days as on 21.07.2025. It further reflects that the petitioner has no criminal antecedents. As submitted, out of 21 prosecution witnesses, 16 witnesses have been examined, which would show that majority of the material witnesses already stand examined.



6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.07.2025
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(**RAJESH BHARDWAJ**)
JUDGE

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