

2025:PHHC:102074



CRM-M-23224-2025 (O & M)

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

CRM-M-23224-2025 (O & M)

Date of decision: 07.08.2025

Amit Chaudhary @ Amit Mohit

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aditya Anand, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 of the BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.66 dated 17.10.2018 under Sections 307, 452, 323, 148, 149, 506, 325 and 201 IPC (Section 325 & 201 IPC added later on) and Sections 25 & 27 of the Arms Act, 1959 registered at Police Station Bholath, District Kapurthala.

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

Stated that I am the resident of the above stated address and I have two sons, elder one is Gagan and the younger one is Deepak Kumar. Two years ago, my elder son-Gagan, got married to Suman daughter of Krishan Lal resident of Harike Khas, P.S-Harike and they do not have any child. My son-



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Gagan after getting married went to France and used to frequently go back and forth. There was some altercation between my son-Gagan and his wife-Suman. Due to which, my son-Gagan had clashes with his in-laws. There was some dispute going on between them due to the said reason. My son is in France. Marriage of my younger son-Deepak Kumar was fixed/arranged for 18.10.2018, due to this, relatives had gathered in which Sarwan Kumar my brother-in-law son of Joginderpal resident of New Karamsar, Street No.1, Yodewal Basti, Ludhiana, my wife-Reena Kakkar and other relatives were also present. Today on 17.10.2018, at about 03:30 P.M, a white-coloured car whose number plate was covered with mud came and stopped in front of our house. Out of the said car, five persons came out. Out of the said person, Mohit and Amit Mohit who are brothers-in-law of my son-Gagan were armed with pistols. I can identify the three unknown persons who accompanied along with the aforesaid persons. One unknown person was armed with machete (gandasi) and other two unknown persons were armed with spade handles (kahi de daste). Mohit gave a lalkara and asked 'Where is Deepu', to which I replied that he had gone to the market. Then the aforesaid five person forcefully entered our house and started abusing us by using filthy language. Mohit bearing pistol in his right hand, fired a gun shot with intention to kill me and the bullet hit me on my left thigh. Amit Mohit bearing pistol in his hand also started firing gun shots and, in the meantime, an unknown person bearing machete (gandasi) attacked my brother-in-law Sarwan Kumar and the blow landed near his left elbow. The unknown persons bearing spade handles (kahi de daste) gave beatings to my wife Reena Kakkar which caused



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deep internal injuries to her. Alarm was raised by us due to which the aforesaid persons while abusing us entered their car and went towards the side of Village-Khasan. The reason for the animosity is that there is some clash between my son-Gagan and his wife-Suman. Due to which the aforesaid persons with intention to kill me fired gun shots at me and gave injuries. Thereafter, Harbans Lal admitted me to Civil Hospital, Bhulath where I am undergoing treatment. Statement has been recorded. Action may be taken.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the present FIR stems out of a matrimonial dispute. The main accused Mohit Chaudhary has already been granted the concession of bail. As the petitioner is in custody since 03.03.2025 but none of the 20 prosecution witnesses has 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, even though, he had been declared a proclaimed offender at one stage.

4. The learned counsel for the State, on the other hand, contends that after the registration of the FIR, the petitioner absconded and was, subsequently, declared a proclaimed offender. Therefore, he is not entitled to the concession as prayed for. He, however, concedes that the petitioner is in custody since 03.03.2025 but none of the 20 prosecution witnesses has been examined so far and that a co-accused/Mohit Chaudhary has been granted the concession of bail.



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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 03.03.2025 but none of the 20 prosecution witnesses has been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. In this situation, the petitioner can be granted the concession of bail, moreso, when a co-accused has been granted the similar relief.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Amit Chaudhary @ Amit Mohit is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case except the present one.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The present petition stands disposed of.

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11. The pending application(s), if any, shall stand disposed of accordingly.

August 07, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No