



CRM-M-27689-2025(O&M)

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

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**CRM-M-27689-2025(O&M)
Decided on :12.11.2025**

Vishal Kaushik

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Angel Sharma, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita (BNSS)* seeking the grant of regular bail in case *First Information Report (FIR) No. 34 dated 22.01.2025*, registered under Sections 111(3), 111(4), 318(4), 338, 336(3), 340(2), and 238 of the *BNS*, and Sections 25(6)/54/59 of the *Arms Act*, at Police Station Palwal, District Palwal.

2. As per the case of the prosecution, on the basis of secret information received by the police team, a raid was conducted during which one accused, namely Akash, was apprehended. From his possession, one country-made pistol along with four cartridges, and one country-made rifle along with another four cartridges, were recovered.



After the arrest of the said accused Akash, and on the basis of his disclosure statement, the names of two more accused persons surfaced—Amit and Aman (brother of accused Akash). From the disclosure statement of Amit, no weapon or other incriminating article was recovered. However, from the disclosure statement of co-accused Aman recorded on 10.02.2025, it emerged that the aforementioned weapons, which he had delivered to his brother Akash, were received by him in a bag from another co-accused, Mukesh.

Two days thereafter, another disclosure statement dated 12.02.2025 was recorded from Aman, wherein he disclosed that he could get recovered one *katta* and two cartridges, which had been supplied to him by the present petitioner, Vishal Kaushik.

Mr. Angel Sharma, learned counsel for the petitioner, submits that pursuant to the aforesaid disclosure, the petitioner, Vishal Kaushik, was arrested. However, no weapon was recovered from his possession except an iPhone, from which the prosecution assumes that certain details relating to other accused persons, allegedly belonging to groups headed by Dinesh Gandhi and Saurabh Gadoli, exist. Based on this assumption, the prosecution has drawn a presumption that the petitioner is also a gangster associated with such groups engaged in organized crime, thereby implicating him in the present case.

Learned counsel further submits that there is no other evidence against the petitioner. Hence, he prays that petitioner be granted the concession of regular bail.

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3. On the other hand, learned State Counsel submits that the petitioner is a member of the gang led by Kaushal Chaudhary and Neeraj Faridpuria. It is further alleged that petitioner provides illegal arms, ammunition, and other criminal information to the gang members for the commission of offences such as extortion, kidnapping, and murder, etc. Therefore, in view of the serious allegations against the petitioner and he being a threat to society with a potential to disrupt public peace, the benefit of bail should not be extended to him.

Learned State Counsel further points out that the petitioner is involved in four other criminal cases besides the present one. Details of such cases are as follows:

- i. FIR No. 202 dated 13.09.2020 under Sections 25/54/59 of the Arms Act, Police Station BPTP, Faridabad.*
- ii. FIR No. 393 dated 20.06.2023 under Sections 25/54/59 of the Arms Act, Police Station City Ballabgarh, Faridabad.*
- iii. FIR No. 21 dated 28.02.2024 under Sections 25/54/59 of the Arms Act, Police Station Bhupani, Faridabad.*
- iv. FIR No. 95 dated 27.02.2024 under Sections 25/54/59 of the Arms Act, Police Station Old Faridabad.*

However, the learned counsel for the petitioner submits that the petitioner has already been granted bail in all the four cases mentioned by the learned State Counsel in the status report, and he has not been convicted by any court of law in any of the said cases.

4. I have heard learned counsel for the parties and have perused the paper-book along with status report submitted.

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5. Having considered the submissions made by learned counsel for the parties and upon perusal of the material on record, this Court noticed that petitioner is in custody since 02.03.2025 and, out of a total of 35 prosecution witnesses, none has been examined till date. Even the charges are yet to be framed. It is further noticed that in respect of the four other cases pending against the petitioner, he is already on bail and has not been convicted by any Court of law therein.

It also emerges that name of the petitioner surfaced only on the basis of the second disclosure statement dated 12.02.2025 made by co-accused Aman; no weapon or any other incriminating article has been recovered from his possession. The only recovery effected is an iPhone allegedly containing certain data, which has since been verified by the State and can be produced before the Court. Therefore, there appears to be no possibility of the petitioner tampering with the said data or other information contained therein.

Having regard to the fact that the trial is likely to take considerable time and petitioner is already on bail in the other pending cases and has never been convicted, this Court finds that further custody of the petitioner will serve no useful purpose. Whether the petitioner is a member of any gang or not is a matter to be determined by the trial Court on the basis of evidence led by the prosecution during trial.

6. In view of the totality of the facts and circumstances, this Court deems it just and proper to allow the present petition. Accordingly, the petitioner is ordered to be released on regular bail, subject to his

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furnishing bail bonds and surety to the satisfaction of the learned trial Court concerned.

Consequently, present petition is allowed. Petitioner 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

12.11.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*