



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-29613-2025

ROHIT NAGAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CRM-M-50959-2025

DEV FOGAT ALIAS DEVU ALIAS DEV KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

Decided on : 03.11.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Baljeet Beniwal, Advocate,
for the petitioners (in both the cases).

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

1. By this common order, both the aforementioned petitions,
i.e. CRM-M-29613-2025 and CRM-M-50959-2025 are disposed of.

1. Present petitions have been filed by the petitioners, seeking
grant of regular bail, in case, FIR No.243, dated 06.07.2024, under
Sections 221, 132, 109, 3(5) of BNS, Sections 25-54-59 of Arms Act,
registered at Police Station Central Faridabad, District Faridabad.

2. Learned counsel for the petitioners contends that, as per the
case of prosecution, members of the police party were travelling together



in a Government vehicle bearing registration No.HR-51-OV-8656, and were in search of the accused, namely Dev alias Debu Phogat and Rohit Nagar (petitioners herein), who were allegedly of a vicious nature. For overall control of the situation, the police party, acting on secret information, chased the accused persons. However, upon being confronted, petitioners, who were travelling in a Bolero car along with other co-accused, allegedly fired upon the police party with the intention to kill them. Fortunately, all the police personnel narrowly escaped unhurt. The accused were subsequently arrested on 14.10.2024 and have been in judicial custody for more than one year.

3. Counsel for the petitioners further submits that it is a case of no injury, and even the version put forth by the prosecution appears highly doubtful. To establish the charges, all the circumstances are required to be proved beyond reasonable doubt. However, despite petitioners having remained in custody for over a year, only one out of total 28 prosecution witnesses, has been examined till date, and trial is progressing at a negligible pace. Thus, learned counsel prays for grant of regular bail to the petitioners, as their continued detention serves no fruitful purpose.

4. On the other hand, learned State counsel is unable to controvert the submission advanced by learned counsel for the petitioners that petitioners have been in judicial custody for about one year, and out of total of 28 prosecution witnesses, only one witness has been examined, till date. However, while opposing the prayer and submissions made on behalf of the petitioners, learned State counsel submits that petitioners



are habitual offenders and are involved in several other criminal cases, details of which have also been mentioned by the petitioners in their respective petitions. Thus, learned State counsel prays for dismissal of both the present petitions.

5. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available on file.

6. It is evident that no injury has been suffered by any police official, though the allegations pertain to the firing of shots. From petitioner Rohit Nagar, no recovery has been effected, whereas from petitioner Dev Phogat alias Devu alias Dev Kumar, one country-made pistol has been recovered. Whether an offence under the Arms Act is actually made out against petitioner Dev Phogat alias Devu, and whether the allegations are ultimately proved or not, would be matter to be determined by the trial court at the appropriate stage. Moreover, petitioners have already undergone incarceration for a period of more than one year, and their continued detention for an indefinite period is not justified.

In view of the totality of the circumstances, nature of the allegations, and the factors noticed hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioners.

7. Consequently, prayer made in both the present petitions is **allowed**. Petitioners (in both the cases) are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



8. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
9. Any of the discussion done and recorded here above, 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.
10. Petitions stand disposed of.
11. A photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

03.11.2025
Lavisha

Whether Speaking/Reasoned: ✓YES/NO
Whether Reportable: ✓YES/NO