



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236+239

1) CRM-M-32522-2025
Decided on : 02.12.2025

Vikas @ Vicky . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

2) CRM-M-35082-2025
Vivek . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Munish Behl, Advocate,
for the petitioner(s) (in CRM-M-32522-2025).

Mr. Sahil Choudhary, Advocate
for the petitioner(s) (in CRM-M-35082-2025).

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

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-32522-2025 & CRM-M-35082-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-32522-2025.
2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Vikas @ Vicky (petitioner in CRM-M-32522-2025	208	03.07.2024	109(1), 115(2), 117(2), 190, 191(3) & 351(2) of BNS, 2023 and 25 of the Arms Act, 1959	Naraingarh	Ambala
Vivek (petitioner in	208	03.07.2024	61, 109, 115(2), 117(2), 190, 191(3) & 351(2) of BNS,	Naraingarh	Ambala

CRM-M-35082-2025)			2023 and 25 of the Arms Act, 1959		
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3. A few facts necessary for adjudication of the cases may be noticed.

FIR was registered at the instance of complainant – Vainket Garg, wherein, he alleged that on 02.07.2024 at around 04:15 PM, while he along with his friends, namely Mohit and Nitish, was sitting in the Roof Restaurant on Chandigarh–Nahan Road, Naraingarh, when around 8/9 boys armed with iron rods, pistols and one of them identified as Sumit Gujjar, came there and at gunpoint snatched his gold chain weighing 35 grams. Thereafter, the other boys gave him beatings and broke his both legs and arms by giving blows of iron rods and hammer multiple times.

4. Learned counsel for the petitioners refers to the Medico Legal Report dated 02.07.2024 and submits that total four injuries have been noticed, all on non-vital parts i.e., hands and legs. Had there been any intention to commit murder, injuries would have been inflicted on vital parts of the body. Further submits that although it is alleged that one accused was armed with a pistol, no shot was fired, clearly suggesting absence of any intention to cause death. Petitioner – Vikas @ Vicky is inside jail since 08.01.2025 (about 09 months and 24 days), whereas petitioner – Vivek is in custody since 04.07.2024 (about 01 year, 04 months and 28 days). Charges were framed only recently in September/October 2025 and trial is not likely to conclude in near future. Thus, keeping them behind bars any longer would serve no fruitful purpose. Hence, prayer for grant of regular bail is made on their behalf.

5. On the other hand, learned State counsel, while vehemently opposing the prayer for bail, submits that the conduct of accused persons

shows their resolve to eliminate the injured. However, it is not disputed that petitioner – Vikas @ Vicky is in custody since 08.01.2025 and petitioner – Vivek since 04.07.2024. Learned State counsel clarifies that, as per CCTV footage, presence of Vikas @ Vicky could not be confirmed, whereas petitioner – Vivek is noticed at the spot, though without attribution, of any specific injury to the complainant. It is further pointed out that one pistol was recovered from Vikas @ Vicky and he is involved in 13 other criminal cases but in the present case his presence is not captured on CCTV.

6. Heard.
7. The following have been noticed in the MLR, qua the injuries having been suffered by the injured/complainant – Vainket Garg:-

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Sr. No.	Injuries	Marked	Injury Number
1	B/L LEG LACERATED WOULD WITH DISLOCATION BOTH LEG ON EXPLORATION NO BULLET FELT NO WOULD ON OPPOSITE SIDE OF THE MENTIONED WOULD ADV- X RAY BOTH LEG WITH ORTHO OPINION	No	1
2	LACERATED WOULD ON RIGHT ELBOW OF APPROX SIZE 0.5CM X 0.2CM ADV- X RAY RIGHT ELBOW AND ORTHO OPINION	No	2
3	RIGHT FOREARM DISLOCATED ADV- X RAY RIGHT FOREARM AND ORTHO OPINION	No	3
4	LEFT FOREARM DISLOCATED ADV- X RAY LEFT AND ORTHO OPINION	No	4

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8. Admittedly, all the injuries are located on the non-vital parts of the complainant’s body. No firearm use has been demonstrated, despite allegations of possession thereof. Thus, it will remain a moot question during trial whether offence under Section 307 IPC is made out or not. Further, petitioner – Vikas @ Vicky is in custody since 08.01.2025, and even as per the prosecution, his presence is not established at the scene through CCTV footage. Petitioner – Vivek is in custody since 04.07.2024, and although present at the spot, no specific role or individual injury has been

attributed to him. The alleged involvement by way of common intention is yet to be examined by the trial Court. Nothing adverse has been pointed out regarding his criminal antecedents of similar nature.

Therefore, considering the overall facts and circumstances, including the custodial period already undergone, the nature and situs of injuries, and the fact that the prosecution evidence has not commenced till date, there appears no justification to curtail the personal liberty of the petitioners any further merely for the sake of pre-trial detention. The conclusion of trial is likely to take considerable time.

Consequently, prayer made in the present petitions are **allowed**. Petitioners 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.

9. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

Petitions stand disposed of.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 02, 2025

J.Ram

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