



CRM-M-34566-2025

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

CRM-M-34566-2025

Date of decision : 20.08.2025

Amit @ Monu

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. B.K. Bagri, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.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.0264 dated 04.09.2022, under Sections 25 & 27 of Arms Act and under Section 202, 212, 307 & 34 of IPC, registered at Police Station PGIMS, Rohtak.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Vijay Kumar. It was alleged that he gave some money to Deepak but he was not returning the same. On number of occasions, he gave assurance to start putting it off on one pretext or the other. On 03.09.2022 at about 4:00 pm, Deepak asked him to meet to settle the account. On receiving Sushil's call, he reached in MDU near library, Rohtak. There, he found Deepak, Amit @ Monu (petitioner) and Vikas with one other boy. In the meantime, Amit, who was carrying pistol in his hand started firing indiscriminately, which hit on the hand of Sushil and in the leg of Kuldeep. They raised alarm, and all 04 started running away. The bullets hit Harsh and Vidit as well. The injured were shifted to Hospital. Request was made to take the legal action



against Deepak, Vikas, Amit @ Monu and his one unknown friend. On registration of FIR, investigation commenced. During investigation, the petitioner was arrested on 20.09.2022. On completion of investigation, challan was presented and on framing of charges, the trial commenced. He approached the Learned Additional Sessions Judge, Rohtak, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 22.11.2023. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned Senior counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner and the complainant side, both are of young age and the FIR has been registered on some misunderstanding. To buttress his arguments, he submits that all the 04 injured have been examined by the prosecution before the trial Court as PW-4 to PW-7. All the injured witnesses have not supported the case of the prosecution and they have been declared hostile. It is submitted that even otherwise the petitioner is behind bars since the date of his arrest and thus, he has suffered an incarceration of about 03 years but despite that there is no material progress in the trial. He submits that right of speedy trial of the petitioner has been miserably defeated in the case. It is submitted that the material witnesses have already been examined, thus, in the overall facts and circumstances and in view of the law settled, the petitioner deserves to be granted bail.

4. Reply by way of an affidavit of Mr. Gulab Singh, HPS, Deputy Superintendent of Police, Rohtak has been filed on behalf of the respondent-State in the Court today and same is taken on record.



5. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner has not only fired but also caused gun shot injuries. However, she submits that even if the injured have been declared hostile, their statement which is consistent with the case of the prosecution can always be relied upon. She has produced on record the custody certificate of the petitioner. She, on instructions, has submitted that out of total 38 prosecution witnesses, only 06 witnesses have been examined so far. She submits that the petitioner is involved in other cases as well.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 20.09.2022. The injured in the present case have been examined as PW-4 to PW-7 and the perusal of their depositions before the trial Court would show that they have not supported the case of the prosecution. The custody certificate produced would show that he has suffered an incarceration of 02 years, 10 months and 26 days as on 19.08.2025. It further reflects that though the petitioner is involved in other cases, however, he is on bail in those cases.

7. 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.

8. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be



unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

9. This Court would refrain itself from commenting anything on the merits of the case. 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. 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.

20.08.2025

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(RAJESH BHARDWAJ)

JUDGE

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