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

CRM-M-38495-2025

Date of Decision:25.07.2025

KAPIL KHARB

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Karan Verma, Advocate,
Mr. Teejas Bhatia, Advocate &
Mr. Arunim Kathuria, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl. AG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.642 dated 21.10.2024, registered under Sections 109, 351 BNS and 25 of Arms Act, 1959, Police Station Sector 10-A, Gurugram.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case. Learned counsel for the petitioner contends that the petitioner had performed marriage with Bhawana, against the wishes of her family members and she is the sister-in-law of Vicky, complainant of the present case. Learned counsel next contends that in fact the petitioner was not present at the place of incident and the tower location of his mobile phone



would clearly prove the same. Even the petitioner was not seen in the CCTV footage and the material evidence has not been brought on record by the prosecution. Learned counsel further contends that the victim has already been discharged from the hospital and he had suffered only superficial injuries. The petitioner was wrongly arrested in the present case on 06.11.2024 and is in custody for the last about 08 months. The challan in the present case has been presented before the competent Court and charge was framed on 17.03.2025. However, the prosecution has been able to examine only 01 witness so far, just to ensure that the petitioner's case in custody for a longer period.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused, who had fired the shots without any justification and the material witnesses are yet to be examined by the prosecution and he does not deserve the concession of bail by this Court. He further admits that there is no other case against the present petitioner and he is first offender.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. As per the prosecution, the petitioner had fired shots at Amit Agnihotri, however, the injured has already been discharged from the hospital. The petitioner is stated to be in custody for the last about 08 months and no witness has been examined so far. Thus, the further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his



furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

25.07.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

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