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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39092 of 2025
Date of Decision: 24.09.2025
Reserved on: 11.09.2025

Mohd. Faizal ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Dr. Deipa Singh, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
58	31.01.2024	Sector 8, Faridabad, District Faridabad	302 and 34 of IPC and 25 of Arms Act, 1959 (120-B of IPC added later on)

2. As per the allegations, Suraj Bhan, husband of the complainant Rajjo Devi was residing in a flat at Faridabad from the last six months. On 30.01.2024, she had come to meet him. In the evening time, her husband had gone to Gym. At about 6:45 PM, on receipt of

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intimation that her husband had been shot at by someone, she rushed to the spot and came to know that some unknown assailants had killed him. On her complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. Postmortem examination of dead body and inquest proceedings were conducted. CCTV footage of the camera installed in the vicinity were collected and two youths were found opening indiscriminate firing upon the victim after alighting from a car. On the basis of statements of the complainant and her son, the two persons namely, Paramjeet and Nitin Narula were nominated as accused. Accused Paramjeet was arrested on 01.03.2024. Accused Nitin Narula and Mangal Singh were arrested on 03.03.2024. Another accused Jyoti Prakash @ Baba was arrested on 16.03.2024. Challan qua the arrested accused was presented.

3. As per the further allegations, on 31.05.2024, accused Yogesh was arrested. Subsequently accused Sachinder Dabas @ Mona, Yogesh and Parveen were arrested. On the basis of disclosure statement of accused Sachinder Dabas @ Mona, the petitioner was nominated as an accused and was arrested on 22.10.2024. Investigation qua him also stands completed and challan has been presented.

4. Learned counsel appearing for the petitioner has submitted that the role attributed to him is very limited and distinguishable from the principal accused who had allegedly committed the act of actually shooting the victim. He was not named in the FIR. There is no eye-witness or direct evidence linking him to procurement or supply of the arms. The entire prosecution case rests upon disclosure statement of the co-accused which is

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a weak type of evidence and cannot be considered to be admissible in evidence. His continued incarceration in absence of direct evidence would be in violation of Article 21 of the Constitution of India. It is, therefore urged that the petition deserves to be allowed.

5. Per contra, learned Deputy Advocate General, Haryana has vehemently opposed the petition. Relying upon the status report, it is submitted that the petitioner along with co-accused Sachinder Dabas @ Mona was instrumental in supplying the pistol and ammunition which was used for commission of heinous offence involving cold blooded murder of the victim on 30.01.2024. The allegations against him are serious in nature. He has criminal antecedents. There are chances of his absconding if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The role attributed to the petitioner is limited to facilitating illegal procurement of firearm and is distinct from principal homicidal act. He was not named in the FIR. The linkage sought to be established between the petitioner and the act of supply of arms, primarily rests on disclosure statement of the co-accused and circumstantial inferences. The role so attributed to him is that of a conduit or a facilitator in the purported procurement of arms which is distinct and remote offence from the direct commission of offence punishable under Section 302 of IPC. This Court is conscious that the provision is serious, however, in present purposes, the Court must test whether the material against the petitioner justifies continued

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pre trial incarceration bearing nature of evidence and the progress of the trial. Since the case against the petitioner rests on disclosure statement of the co-accused, this is a matter best left for trial whether the burden of proof and standard of evidence shall be applied rigorously. The petitioner is in custody since 22.10.2024. In view of the foregoing discussion, particularly the limited role is prescribed to the petitioner, this Court is of the considered opinion that the continued detention of the petitioner would not serve the ends of justice. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and subject to the following conditions:-

- (i) he shall appear before the learned trial Court on each date of hearing unless exempted.
- (ii) he shall not tamper with evidence or attempt to influence witnesses in any manner.
- (iii) he shall not leave the country without prior permission of the Court.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(MANISHA BATRA)
JUDGE

24.09.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No