



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
308 CRM-M-41351-2025
Date of decision: 18th August, 2025

Harsh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Samay Singh, Advocate for the petitioner.
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 402 dated 09.10.2024 registered under Sections 109(1), 115, 3(5) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25 and 27 of Arms Act at Police Station Kaithal City, Kaithal.

2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant Ravi Prakash on 09.10.2024 alleging therein that he used to run a grocery shop in his village. On the morning of that day, he had gone to Kaithal to buy some goods and at noon time, while he was returning towards his village on his motorbike, his co-villager Padam was also riding along with him on another motorbike. When they reached near Padla road, he found some police officials standing near a drain. To avoid the police officials, he turned towards an adjacent road, when suddenly three youths riding a bike at a high speed came from behind and hit his vehicle. The complainant identified them and the petitioner was one amongst them. All of them alighted from their vehicle and firstly hurled



abuses to the complainant and then opened an assault upon him. The petitioner took out a pistol and fired a shot directly towards him, thereby injuring left side of his chest. He had fallen down and then the assailants fled. He was rushed to hospital by Padam and was provided treatment. After registration of FIR on the basis of his statement, investigation proceedings were initiated. During investigation, the petitioner was arrested on 19.10.2024. The investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the first statement recorded by the complainant before the police, but at the time of registration of a FIR, it was shown that he had identified the petitioner as one of the assailants. It is also submitted that the petitioner has been in custody since long. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. There are no chances of his intimidating the material witnesses since they have already been examined. Eyewitness Padam has not supported the prosecution version. A false recovery has been planted upon him. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Custody certificate has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner, along with the co-accused, is alleged to have assaulted the victim on 09.10.2024. As per the allegations, the petitioner had



fired a shot with a firearm, thereby injuring the left side of the chest of the complainant. As per the medico-legal report, a firearm injury had been sustained by the victim, which was obviously dangerous in nature. The complainant has since been examined. Though eye-witness Padam Kumar has not supported the prosecution version and did not implicate the petitioner in the subject crime, however, the complainant himself, while appearing as PW-1, is shown to have fully supported the prosecution case. A contention has been raised by learned counsel for the petitioner that the complainant had not named the petitioner in his first statement as recorded before the police but in the FIR, the names of the petitioner and co-accused were shown to be recorded, which is result of some manipulation. This fact has to be considered by the learned trial Court after thorough assessment of the evidence to be produced during trial. The allegations against the petitioner are serious in nature. The complainant, in his sworn deposition, has fully supported the prosecution case. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, but without meaning to make any comment upon the merits of the case, lest they prejudice the trial, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*