

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

2025:PHHC:102852



215

CRM-M-42073-2025

Date of decision: 08.08.2025

Vikas

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Dr. Pankaj Nanhera, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. D.S. Matya, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.128 dated 25.03.2025, registered for the offences punishable under Sections 115(2), 126(2), 191(3), 190, 324(4), 324(5), 351(2), 140(3), 62 of BNS, 2023 (Sections 109(1), 117(4), 61(2) of BNS 2023 were added lateron and Section 324(5) of BNS 2023 was deleted lateron) at Police Station City Sohna, District Gurugram.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To the SHO. Police Station City Sohna, Gurugram. Complainant Amar son of Shri Ashbir caste Gujjar resident of Damdama Dhani Najd G.L.S Damdama Road Sohna Bar Against 1. Mohit Adhana son of Omi resident of Saap ki Nagli Sohna 2. Sohita Adhana son of Omi resident of Saap ki Nagli Sohna 3. Annu Adhana son of Samay resident of Saap ki Nagli Sohna 4. Prince son of Praveen resident of Saap ki Nagli Sohna 5. Sagar Mavi son of Billu resident of Lakhupas Sohna Gurugram and others, with the intention to kill the applicant, the accused assailants Mohit Adhana, Sohita Adhana, Annu Adhana, Prince Sagar Mavi and others, under a pre-planned scheme, in conspiracy and conspiracy, ran after the applicant's car with two vehicles, hit the applicant's car with a Ritz with the third vehicle, forcing the applicant's car to stop, and forcibly pulled the applicant out of the vehicle and kidnapped him with the intention to kill him. Trying to put him in another vehicle and when the applicant managed to escape, chasing the applicant, catching him and hitting him on the jaw, breaking the hands and legs of the applicant with dangerous weapons like iron rods, iron rods, sharp weapons like knives and sticks, making an unsuccessful attempt to shoot by keeping a pistol like weapon on the chest, forcibly robbing Rs. 15000 and gold chain from the applicant and threatening to kill the applicant and his family members if he makes a police complaint, Application for appropriate action in this regard Honorable Sir, it is humbly requested that the applicant is a resident of the above-mentioned address and works in Pasco company. Participant makes the following request. 1. It is that on 22/03/25 at about 2.50 pm, as soon as the applicant came on the road in his car from the company to return from company work, people sitting in two cars started looking at me and they started following me. As soon as I reached near Sohna Dhani flyover while turning towards Sohna, another third car already present under the flyover suddenly came and hit my car directly on the driver's side and tried to kill me. Within a few moments, 5-6 masked men came with sharp weapons like pistols, iron rods and iron rods and sticks in their two hands. One of them attacked my car from the front with the iron rod in his hand, due to which the front glass of the car broke. Suddenly as soon as

the mask of that attacker was removed, I recognized that he was Mohit Adhana son of Omi resident of Saanp Ki Nagli. Mohit started telling his friends that today they will not leave him alive, they will take rest only after killing him. Call the people of the other car too. These people forcibly took me out of my car and took me in their custody. After this, these people tried to push me into another car and tried to kidnap me. These people were repeatedly saying that we will take him somewhere far away and kill him. Seeing death near, I somehow used all my strength to escape from them and suddenly I ran away to save my life by jerking myself. 4-5 of these accused caught me again after I ran about 200-250 meters from Sohna Dani flyover towards Sohna. While running, these people frightened me by threatening to shoot me if I not stop. Due to which my courage broke. As soon as they caught me, they threw me down and hit me which hurt my jaw. During this time, the mask of these attackers was removed and I recognized all of them because I already knew all of them. Apart from Mohit Adhana, these included his real brother Sohith Adhana, Annu Adhana son of Samay Prince son of Praveen resident of Saanp ki Nangli and Sagar Mavi son of Biltu resident of Lakhuwas. 2. That Sagar Mavi had a pistol like weapon in his hand. Mohit Adhana had an iron rod, Sohith Adhana had a pointed weapon like a dagger in his hand. Annu Adhana and Prince had iron rods in their hands. 3. That Sohith Adhana tried to hit my stomach with a dagger which I stopped and the dagger tore the palm of my right hand. Mohit Adhana made several attempts to hit my head with an iron rod which I stopped with my hands and I got serious injuries on both my hands. Mohit Adhana and Annu Adhana attacked me with iron rod and iron bar several times and broke both my legs. Due to which the bone of my right leg broke and came out. But Annu Adhana and Prince injured my other hand by hitting it with iron rod again and again. Sagar Mavi told Mohit Adhana that "He will not die the way you want to kill him. Gave me iron rod and took pistol and shoot him. He gave the pistol like weapon to Mohit and took the iron rod from Mohit himself. After that Mohit put the pistol like weapon on my chest and pressed the trigger to shoot. But God had decided something else and for some reason the bullet could not be fired.

After this Sagar Mavi got furious. He attacked my hands and legs blindly and beat me. After that Rohit Adhana, Annu Adhana and Mavi held me and everyone in consultation said that whatever money he had and the pen around his neck, they snatched that too. Prince forcibly looted my 15000/ rupees and Mohit looted the gold chain from my neck. 4. It is that after this as soon as the public gathered and started coming towards us, all these accused left me there in an injured state and ran away threatening me that today you have been saved. If you complain about this incident to the police then not only you but we will not leave any member of the family alive. 5. After this someone informed my acquaintances and my cousin Kapil Khatana admitted me to Civil Hospital Sohna for treatment. From there the doctor referred me to Gurugram. Now I am undergoing treatment at Artemis Hospital, Gurugram. I am being treated. The above attackers who were sitting in both the vehicles that were chasing me and the accused who were in the vehicle that hit me. By conspiring with the above-mentioned attackers, they have carried out this lethal attack on me with the intention to kill me. Hence, I request the Sahib Bahadur to take appropriate action against the above-mentioned attackers and please protect me and my family members from these people in future. Thank You Applicant Amar Kumar son of Asbeer resident of Damdama Dhani, G.L.S Damdama Road Sohna-9654601970 XXXX.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.03.2025. Learned counsel for the petitioner further submitted that, *assuming arguendo*, the petitioner version is taken to be true, the petitioner is not shown to be present at the spot and has not caused any injury to the injured but his role is that of hatching conspiracy and informing the co-accused about the whereabouts of the injured person. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner is a man with clean antecedents.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 07.08.2025 in Court, which is taken on record.

5. Learned counsel for the complainant has vehemently opposed the plea for grant of regular bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. It has further been iterated that it is the petitioner who has been informing the assailant about the whereabouts of the injured and he is the main conspirator. It has been further argued that if the petitioner is extended concession of regular bail there is all likelihood that he may influence the trial by intimidating the witnesses. Learned counsel for the complainant has further iterated that clear motive is attributed to the petitioner, as the petitioner and injured were working in the same company.

6. I have heard counsel for the rival parties and have gone through the available records of the case.

7. The petitioner was arrested on 22.03.2025 wherein after investigation was carried out and challan was presented on 19.06.2025. Total 31 prosecution witness have been cited, out of which none has been examined till date. It is not in dispute that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to

indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

7.1. As per custody certificate dated 07.08.2025 filed by the learned State counsel, the petitioner is in custody in the case in hand since 22.03.2025 and there is no other case pending against him.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned

trial Court, to the effect that she has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after her being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of her bail which plea, but of course, shall be ratiocinated upon merits thereof.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 08, 2025
Naveen

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