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

234

CRM-M-44835-2025 (O&M)
Date of decision : 06.11.2025

Nitin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Yogesh Vashista, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 53 dated 17.02.2025, registered under Sections 109(1), 121(1), 132, 221, 3(5) and 61(2) of BNS, 2023 and Sections 25(6) and 27 of the Arms Act, 1959 [Sections 324(4) and 111(3) of BNS, 2023 added later on) at Police Station IMT, District Rohtak.

2. As per the allegations, on 17.02.2025, on receipt of a secret information to the effect that the petitioner and co-accused were doing recce in pursuance of a conspiracy hatched by them to commit murder of Councillor candidate of Rohtak Municipal Corporation and were roaming in the area of IMT Rohtak at that particular point of time while being armed with illicit weapons in a car bearing registration number DL-3-CCX-2591

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and that they were having criminal antecedents, a raiding party was formed. The members of that party reached at the informed place, where the aforementioned car was found to be coming. When signal was given to the driver of the said vehicle to stop, instead of halting, he tried to escape after hitting the vehicle of the police officials. However, the said vehicle hit the divider of the road and was made to stop. Three youths alighted from the same and started indiscriminate firing with the weapons, which they were carrying in their hands with intent to cause death of the police officials. Two bullets hit the jackets of SI Satish and ASI Sant Kumar, who escaped because the jackets were bullet proof. Shots were fired at the legs of those youths in self defence. They were apprehended. On interrogation, they disclosed their names and particulars as Naresh, Anurag and Sandeep. The petitioner, who was sitting on the driver seat of the said vehicle, was also apprehended. Recovery of weapons was effected from the co-accused. The petitioner and co-accused were formally arrested. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The only role attributed to him is that he was the driver of the vehicle which was occupied by the co-accused. No specific over act has been attributed to him. No recovery has been effected from him. He did not cause or attempt to cause any injury to any police official. In fact, he was a friend of co-accused Anurag and was the occupant of the said car only to spend some time with his friend. He is in custody since long. The trial will take considerable time to conclude as there are 40

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prosecution witnesses and even charges have not been framed so far. He has clean antecedents. His further incarceration is not going to serve any useful purpose. With these broad submissions, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has considered the submissions made by both the sides.

6. The petitioner along with the co-accused is alleged to have to be an occupant of the above mentioned car. The co-accused, who were sitting in that car, had fired shots with pistols at the police officials, thereby making an attempt to cause their death. The petitioner was allegedly sitting on the driver seat of the car at that time. No injury or specific overt act has been attributed to him. Investigation has since been completed and challan has been filed. Conclusion of trial would take considerable time. As such, no fruitful purpose is going to be served by keeping the petitioner in custody anymore. Keeping in view the period of incarceration of the petitioner, his clean antecedents, the nature of the allegations levelled against him and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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7. 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.

06.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No