



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

227

CRM-M-48219-2025

Date of decision: 17th September, 2025

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Randeep S. Dhull, 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. 146 dated 07.04.2025 registered under Sections 109(1), 126, 190, 191(3), 324(4) and 61(B) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station City Rohtak.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant Ankur alleging that on the night of 04.04.2025, he was going towards his house in his car when he was stopped by occupants of a brown coloured *Duster* make car. Three youths alighted from the same. They were armed with the rods and *dandas*. They opened an attack upon the vehicle thereby damaging the same. The complainant tried to flee to save himself but the assailants hit his car with their vehicle with



intent to kill him. The complainant rushed towards Ambedkar Chowk but a shot was fired at him and he had a narrow escape. He had made inquiries and was sure that Amit @ Miti at the behest of Sunil had opened an attack upon him due to business rivalry.

3. After registration of FIR, investigation proceedings were initiated. The accused Amit was arrested on 17.04.2025. He suffered disclosure statement on the basis of which the present petitioner was nominated as an accused. He was arrested on 19.04.2025 along with the co-accused. Co-accused were also arrested subsequently. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. There is delay of three days in reporting the matter to the police. No specific act or injury has been attributed to him. Even otherwise, no injury had been sustained by the complainant. The ingredients for commission of offence punishable under Section 109(1) of BNS are not at all attracted. He has clean antecedents. The trial would take considerable time to conclude. The co-accused Deepak and Abhishek have been extended benefit of bail. On parity, he too deserves to be given the same benefit. It is, therefore, urged that he deserves to be released on bail.

5. *Per contra*, learned State counsel while refuting the contentions raised by petitioner's counsel and in terms of the status report, has argued that there are serious allegations against the petitioner as by forming an unlawful assembly with the co-accused, he had made an attempt to murder



the victim. Therefore, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have formed a membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is further alleged to have made an attempt to kill the victim. He has been in custody since 19.04.2025. Trial is likely to take time as even charges have not been framed against the petitioner. Keeping in view the above discussed facts but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th September, 2025

Parveen Sharma

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

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