

2025:PHHC:174975



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

352

CRM-M No.50416 of 2025
Date of Decision: 15.12.2025

Aman

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishi Lal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.80 dated 09.04.2024 registered under Sections 201, 307, 323, 379-B, 506 and 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Matlauda, District Panipat. The previous two petitions as filed by the petitioner had been dismissed as withdrawn.
2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Vansraj alleging that on

2025:PHHC:174975



the night of 08.04.2024, the accused Nikhil called him and took him on his motorbike to his fields where the petitioner along with accused Manish and Sahil was already present. All four of them opened an assault upon him while hurling abuses. They snatched his motorbike and fired three shots with pistols upon him and while proclaiming that they would kill his friend Sumit @ Kala as well, they fled from spot. The complainant had become unconscious and after regaining the same, he somehow managed to reach a nearby dhaba and informed his family members. Thereafter he went to the hospital and was provided treatment. After registration of FIR, investigation proceedings were initiated. During investigation, offences under Sections 201 and 379-B of IPC were added. The petitioner along with co-accused Manish and Sahil was apprehended on 06.05.2024. The juvenile in conflict with law "N" (name withheld) was also joined into investigation on 10.05.2024. The petitioner suffered a disclosure statement admitting his involvement in the crime and got recovered one countrymade pistol along with three empty rounds and two live cartridges used at the time of occurrence. 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 is in custody since 06.05.2024 which is a fairly long time. He has no criminal antecedents. Co-accused Manish and Sahil have been extended benefit of bail. On parity, he too deserves to be given the same benefit. The trial will

2025:PHHC:174975



take considerable time to conclude as only 06 out of 24 prosecution witnesses have been examined so far. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that there are specific allegations against the petitioner as he was the one who had fired shot on the waist of the complainant thereby making attempt to kill him. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have assaulted the victim and to have made attempt to kill him by firing shots with a pistol upon him. He is now in custody since 06.05.2024. The trial will take time to conclude as a good number of witnesses is yet to be examined. The co-accused Manish and Sahil have been extended benefit of bail. No useful purpose is going to be served by keeping the petitioner in custody any more. The well settled proposition of law is that bail is the rule and jail is an exception. Pre trial incarceration of an accused should not be a replica of post conviction sentencing. The detention prior to trial should not become punitive. Taking into consideration the above discussed facts but without delving on the merits of the case lest they prejudice the trial, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be

2025:PHHC:174975



admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

15.12.2025
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(MANISHA BATRA)
JUDGE

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