

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+211

2025:PHHC:170552



CRM-M-51590-2025 (O&M)
Date of decision: 08.12.2025.

VIKASH

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Mayur Karkara, Advocate, for
Mr. Ajay Kripal Singh, Advocate,
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana

VINOD S. BHARDWAJ, J. (Oral)

CRM-47490-2025

Application is allowed as prayed for subject to all just
exceptions.

Annexures P-7 to P-9 are taken on record.

The Registry is directed to tag the same at an appropriate place.

Main case

The present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.416 dated 07.07.2018, under Section(s) 307, 384, 506 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act (Sections 216 and 34 of the IPC and Section 27 of the Arms Act added later on) registered at Police Station Samalkha, District Panipat.

2 The FIR in the case in hand has been registered on the basis of statement of Ajit son of Sh. Roop Chand to the effect that he is resident of Khalila Pahladpur and is running a country made and English liquor vend in partnership with Shishpal in Zone No.4 of Israna Block. As per the complainant on 06:07.2018, an unknown individual came to his house in the night at around 10:20 PM, who called out his name and hurled abuses and fired three gunshots at his house. He stated that upon hearing the noise of gunshot, when he went outside the house, he saw a boy running on the street and when the neighbourer made noise then he again fired twice. The complainant claims to have seen two boys on the street. In view of the said incident, the complainant sought registration of FIR and legal action against the said boys.

3 Learned counsel appearing on behalf of the petitioner contends that no injury has been caused to anyone on account of the aforesaid gunshot. He contends that the petitioner was initially arrested by the police and thereafter, released on bail vide order dated 30.04.2019. Due to outbreak of Corona in 2019, the petitioner failed to appear before the trial Court whereupon his bail order was cancelled and warrants of arrest were

issued against him vide order dated 20.01.2020. The matter was adjourned on different occasions as a result of non-appearance of the petitioner before the trial Court. He contends that the petitioner was later on arrested on 02.08.2021 and that he is continuously in custody since then. He submits that the earlier bail application of the petitioner was withdrawn on 25.01.2025, however, only two witnesses have been examined since then by the prosecution. He thus prays that on account of the trial being progressing at a slow pace, the concession of bail be extended to the petitioner.

4 State counsel, on instructions, however, contends that the petitioner is involved in other cases as well and that he absconded from the process of law. Hence, the concession of regular bail ought not be extended to him. State counsel, however, does not dispute that the petitioner was granted the concession of bail vide order dated 30.04.2019 and that after his re-arrest, he has undergone an actual custody of nearly 01 year and 10 months and that more than 07 witnesses still remain to be examined in the present case.

5 Having heard the learned counsel for the parties and taking into consideration the totality of circumstances including the period of actual custody already undergone; the nature of allegations against the petitioner, the stage of the trial as also the subsequent developments wherein the witnesses have not supported the case of the prosecution, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

December 08, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>