



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-53339-2025 (O&M)

Date of decision: 25.09.2025

Nitin @ Gullar

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. Gaurav Tyagi, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in FIR bearing No.10 dated 23.01.2019, registered under Sections 147/149/395/397/341 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959 and Sections 141, 146 of the Railway Act, 1989 at Police Station GRP Rohtak.

2. Briefly summarized, the case of the prosecution is that FIR was registered on the statement of Mithu Sharma, CTI Jaipur. It was averred that on 23.01.2019, train No.12983, Garib Rath Rohtak started from Rohtak Railway Station and when the train reached near Makdoli Railway Station, at about 3:12 p.m., 8-10 persons climbed the train and pulled the chain. Out of them, 4-5 persons had muffled their faces, 3-4 persons had country made pistols and remaining had knives and they robbed the passengers.

3. Learned counsel for the petitioner contends that the petitioner has been framed as an accused in the aforesaid case on his own disclosure



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statement while being in custody. He contends that as per the provisions of Section 23 (2) of the Bharatiya Sakshya Adhiniyam, 2023, the same would not be enforceable. He further contends that the petitioner has undergone an actual custody period of more than 06 years, 04 months and the trial is not likely to conclude soon. He contends that the case of the petitioner is at par with co-accused/Karan, who has already been granted the concession of regular bail by this Court vide order dated 12.09.2025.

4. Learned State counsel is not in a position to dispute that the case of the petitioner would be at par with the co-accused/Karan, who has already been granted the concession of regular bail by this Court vide order dated 12.09.2025.

5. In view of the above, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to him furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness 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.

(VINOD S. BHARDWAJ)
JUDGE

25.09.2025

Mangal Singh

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