



CRM-M-56492-2025 (O&M)

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

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CRM-M-56492-2025 (O&M)

Decided on : 22.12.2025

Sumit Rana

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)**CRM-46626-2025**

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

Compromise (Annexure P-10) is taken on record.

CRM-49941-2025

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

Copies of statements of PW1 Bhupender @ Ashish (Annexure P-11) and PW2

Vikas (Annexure P-12) are taken on record.

CRM-M-56492-2025

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.167 dated 05.06.2025, registered under Sections



109(1), 3(5), 351(3) of BNS, 2023, at Police Station Sector 17, HUDA, Jagadhri.

2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused caused gunshot injuries to the complainant party with an intention to kill them. Hence the present FIR.

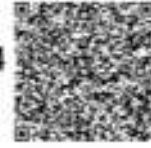
3. Learned counsel for the petitioner contends that the petitioner is innocent and falsely implicated in the present FIR. He further contends that the complainant party was the aggressor and FIR against them has also been registered. Learned counsel submits that as per the CCTV footage, it is the complainant party who assaulted the petitioner. He further submits that no specific injury has been attributed to the petitioner and there is no direct evidence to connect the petitioner with the said offence. It has also been contended that the complainant and injured have not supported the case of the prosecution and have been declared hostile. To lend force to his contention, he has drawn the attention of this Court to the statements of complainant PW1 Bhupender @ Ashish and injured PW2 Vikas, made before the trial Court wherein none of them have supported the case of the prosecution and have been declared hostile. Learned counsel further contends that the matter has been compromised between the parties. The petitioner is in custody for the last more than 06 months and he has clean antecedents. Nothing is to be recovered from the petitioner. After completion of investigation, challan has been presented; charges have been framed and out of 18 prosecution witnesses, only 02 have been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.



4. On the other hand, learned State counsel has filed custody certificate and the same is taken on record. Status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He submits that specific role has been attributed to the present petitioner and he has caused gunshot injuries. He further submits that CCTV footage clearly establishes his presence at the crime scene as well as his involvement in the said crime. He submits that he is not aware of any compromise effected between the parties. However, he could not controvert the fact that the petitioner is first time offender as he is not involved in any other case and that the complainant and injured have not supported the case of prosecution and have been declared hostile.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months and 12 days; the matter has been compromised between the parties; the complainant and injured have not supported the case of the prosecution and have been declared hostile; challan has been presented, charges have been framed and out of 18 prosecution witnesses, only two have been examined till date, the complicity of the petitioner shall be determined after conclusion of trial which will take a long time to conclude and no useful purpose would be served by keeping the petitioner in custody any further. His further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein



Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule" and "jail is an exception".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

22.12.2025

mamta

(RUPINDERJIT CHAHAL)
JUDGE

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

