

2025:PHHC:171032



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-56233-2025(O&M)

Date of decision: 8th December, 2025

Shahid @ Sahil Mulla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tarun Gautam, 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. 69 dated 15.02.2024 registered under Sections (393 of IPC deleted) (395 and 120-B of IPC added later on) at Police Station Chandimandir, District Panchkula.

2. As per the allegations on 15.02.2024, the petitioner along with the co-accused Vipin, Gurpreet, Aman Rajpoot and Raj had entered into the shop of victim and had fired shots at him with intent to loot him. On raising clamour by the complainant and on account of gathering of the public persons at the spot, they had fled from the spot. The petitioner was arrested and is in

2025.PHHC.171032



custody since 21.02.2024. He suffered disclosure statement admitting his involvement in the crime and got recovered one country made pistol and five live cartridges used at the time of occurrence. Investigation now stands completed. The petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that ever since the dismissal of his previous petition there is no progress in the trial as no witness has been examined so far and even charges have not been framed. Co-accused have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. His prolonged incarceration itself is a change in the circumstance and new substantive change in the circumstances. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report as well as custody certificate has been filed by respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. He is a habitual offender. There are chances of petitioner's committing similar offence if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

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

6. The petitioner by hatching a conspiracy with the co-accused is alleged to have committed offence of robbery in the shop of the complainant by using firearms and by firing shots with those weapons. He is in custody

2025.PHHC.171032



since 21.02.2024. Co-accused have been extended benefit of bail. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. There is not likelihood of conclusion of trial in near future. Co-accused have already been granted concession of bail. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that a case is made out for release of the petitioner on bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall deposit his passport, if any, and shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

2025.PHHC.171032



7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

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

[MANISHA BATRA]
JUDGE

8th December, 2025
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |