

2025:PHHC:111610



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

230 (four cases)

**CRM M-61473 of 2024
Date of Decision: 12.08.2025**

1. Sunil @ Gollu **....Petitioner**

Vs.
State of Haryana **...Respondent**

CRM M-41783 of 2024

2. Kailash Chander **....Petitioner**

Vs.
State of Haryana **...Respondent**

CRM M-6468-2025

3. Harvinder **....Petitioner**

Vs.
State of Haryana **....Respondent**

CRR 2032 of 2024

4. Vxxx (Child in conflict with law) **..... Petitioner**

Vs.
State of Haryana **.... Respondent**

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present :- Mr. Partap Singh, Advocate & Mr. Manav Sharma,
Advocate for the petitioner(s) in CRM-M-61473-2024.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranshul Dhull, Advocate & Mr. Pardeep Singh,
Advocate for the petitioner(s) in CRM-M-6468- 2025.

Mr. Azad Khan, Advocate for the petitioner
in CRM-M-41783-2024.

Mr. Nikhil Vats, Advocate for the petitioner in CRR-
2032-2024

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off four petitions, i.e., CRM M-61473 of 2024, titled as **“Sunil @ Gollu Vs. State of Haryana”**, CRM M-41783-2024 titled as **“Kailash Chander Vs. State of Haryana”**, CRM M-6468-2025 titled as **“Harvinder Vs. State of Haryana”** and CRR 2032 titled as **“Vxxx (child in conflict with law) Vs. State of Haryana”**, whereby the petitioners have prayed for grant of regular bail in case FIR No. 23 dated 21.01.2024 under Sections 307 and 34 IPC (Sections 120-B, 109 and 111 of IPC added later on) Section 25 of Arms Act (Section 29 of Arms Act added later on) registered at Police Station Gohana City, District Sonapat.

2. The FIR in the present case has been registered on the basis of the statement made by Bijender Singh and the same has been reproduced below:-

“To, SHO Sir, Police Station City Gohana. It is requested that I am Bijender son of Krishan and I am resident of village Mahra, District Sonipat. Today, in the morning time at about 10:30 hrs, I came to pour milk in the shop of Lala Matu Ram Halwai (Confectioner), Gohana then three boys came from the side of old grain market on motorcycle and standing behind the idol of Lord Siva and started firing blindly ahead of the shop towards Lala Matu Ram (Confectioner). I was scared and started running inside the shop, then a bullet hit me in the right side of my head. Matu Ram Halwai (Confectioner) is having a driver for his car who brought me to PGI Khanpur Kalan for treatment where doctor sir gave me first aid and I came to know that all three boys fled away towards the side of grain market. Legal action should be taken against the three boys. I

have got written my application through my nephew Rinku son of Anand Singh and present it to your good self. Applicant Sd/- Bijender Singh, 9996147096, xXXXX"

3. Learned counsel appearing on behalf of Sunil @ Gollu (petitioner in CRM M 61473 of 2024) submits that the FIR in the present case was registered against certain unknown persons and the petitioners had no concern with the alleged incident. Even, as per the CCTV footage of the incident, the petitioner was not present at the place of occurrence. Apart from that, the petitioner was named by Rohit, co-accused in his disclosure statement and the petitioner was wrongly arrested on 28.02.2024. Except the disclosure statement suffered by Rohit, co-accused, there was no other evidence to connect him with the commission of the crime. Even, there was no recovery from the petitioner of any kind and he was not even present at the place of the alleged occurrence. Learned counsel further submits that in the present case, the prosecution had relied upon 52 witnesses and all the material witnesses have been examined so far. However, the material witnesses had not supported the case of the prosecution and the petition deserves to be allowed by this Court.

4. Learned counsel appearing on behalf of Kailash Chander (petitioner in CRM M-41783 of 2024) submits that the petitioner is an aged person having clean antecedents. In fact, he has been falsely implicated in the present case as unfortunately he happens to be the father of Sahil, co-accused, who was staying abroad. In fact, the petitioner had already disowned Sahil and had no connection with him. Rahul, younger son of the petitioner is studying abroad and had travelled there after due verification by the police and has gone on

study visa. Even, there was no financial transaction in the accounts of the petitioner, which could show that he had connect with any other criminal. The petitioner was arrested on 06th March 2024 and is in custody since then.

5. Learned counsel appearing on behalf of Harvinder (petitioner in CRM M-6468-2025) submits that the petitioner was arrested in the present case on 23.02.2024 and *challan* was presented against him on 18.03.2024. Even, he was nominated as an accused on the basis of the disclosure statement suffered by Rohit and Raman, co-accused. Even, the petitioner was not present at the place of the occurrence and the black Scorpio car, which was recovered from Dev Colony, Rohtak has been planted on the petitioner. Thus, the petitioner has been arrayed as an accused in the present case with the aid of Section 120-B IPC.

6. Learned counsel for Vxxx (petitioner in CRR 2032 of 2024) submits that the petitioner was juvenile and was wrongly arrested in the present case on 27.01.2024. Even, the CCTV footage of the incident was collected by the police and the petitioner was not seen in the CCTV footage. It has been alleged that the petitioner was using the Instagram ID by the name of “Bhau Retolia” and was related to Himanshu @ Bhau son of Krishan. In fact, the said ID was not created by him nor he had posted any post on the said ID. Further, the petitioner was neither present at the place of occurrence nor any injury has been attributed to him. He is a child in conflict with law and is entitled to concession of bail in view of the juvenile provisions contained in Section 12 of the Juvenile Justice (Care and Protection of Children Act 2000). Learned counsel for the petitioner has relied upon

the law laid down by this Court in the matter of ***Harpreet Singh @ Happy Vs. State of Punjab 2021 (1) R.C.R (Criminal) 245*** to contend that the seriousness of the offence as mentioned in the FIR was no ground to deny the juvenile the concession of bail in view of the provisions of Section 12 of the Act.

7. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners belonged to notorious Himanshu @ Bhau gang and were involved in other criminal activities as well. In fact, one more FIR No. 22 dated 21.01.2024 under Sections 384, 506 and 34 IPC (Sections 109, 111, 386, 387, 412, 507, and 120-B IPC added later on) and Section 25 (Section 27 added later on) of Arms Act Police Station Gohana City, District Sonapat has already been registered against the petitioner and all the accused had admitted their involvement in the present crime. Thus, the petition deserves to be dismissed by this Court.

8. I have heard learned counsel for the parties and perused the record.

9. Apart from that, out of total 52 witnesses, 05 witnesses have already been examined by the prosecution and now the testimonies of official witnesses are yet to be recorded. However, the petitioners may not be in a position to influence the witnesses of prosecution. Apart from that, the petitioners cannot be confined in jail for an indefinite period as undertrial prisoners and the petitions deserve to be allowed.

10. In view of the above, without commenting any further on the merits, the present petitions are allowed and the petitioners are

ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holders of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners get involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioners.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

(viii) The petitioners shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the Rojnamcha. In case, they do not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

12.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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