

2025:PHHC:111599



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

230 (3 cases)

**CRM M-64673 of 2024
Date of Decision:12.08.2025**

1. Sunil @ Gollu **....Petitioner**
Vs.
State of Haryana **...Respondent**

CRM M-6453 of 2025

2. Harvinder **....Petitioner**
Vs.
State of Haryana **...Respondent**

CRR 1918 of 2024

3. Vxxxx (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-64673-2024.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranshul Dhull, Advocate & Mr. Pardeep Singh,
Advocate for the petitioner(s) in CRM-M-6453- 2025.

Mr. Nikhil Vats, Advocate for the petitioner
in CRR-1918-2024

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off four petitions, i.e.,
CRM M-64673 of 2024, titled as **“Sunil @ Gollu Vs. State of**

Haryana”, CRM M-6453-2025 titled as “Harvinder Vs. State of Haryana” and CRR 1918 titled as “Vxxxx (child in conflict with law) Vs. State of Haryana”, whereby the petitioners have prayed for grant of regular bail in case FIR No. 22 dated 21.01.2024 under Sections 285, 307, 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 registered at Police Station Gohana City, District Sonapat.

2. The present FIR has been registered on the basis of the statement made by Neeraj Gupta and the same has been reproduced below:-

“To, Hon'ble SHO Sir, Police Station City, Gohana. Sir, it is requested that I am Neeraj Gupta son of Shri Rajender Gupta, resident of Hukam Chand Mandi, Gohana. I have a sweet shop in the name of Lala Maturam Rajender Prasad, Near Shiv Chowk, Purani Anaj Mandi. Today on dated 21.01.2024, time at about 10:30 am, I along with my staff was working at my shop and my younger brother Raman was sitting at the cash counter in the shop. Three boys who had hide their faces, came on a bike from the direction of the old Anaj Mandi of Gohana and stood in front of the shop, and started firing shots indiscriminately. They fired around 30 to 40 shots, most of which were fired directly towards the shop with the intention to kill. Bijender of village Mahara had come to our shop to supply milk, they also fired shot at Bijender the milkman. While leaving they dropped a note in front of our shop demanding a ransom of Rs. 2 crore and went away by saying that arranges Rs. 2 crore or else they will kill the person who is running the shop. These three boys could not be identified as their faces were covered. It is requested to

take the strict action against these boys with unknown addresses. Sd/-Neeraj, 7015231791. That on the basis of the complaint offence under Section 307,384,285,34,506 IPC and Section 25-54-59 A. Act are found to be made out, the case under aforementioned offences was registered and investigation of the case was carried out by SI, Hari Om, xxxx"

3. Learned counsel appearing on behalf of Sunil @ Gollu (petitioner in CRM M 64673 of 2024) submits that the FIR in the present case was registered against certain unknown persons and there was no material with the police, which could show that the petitioner was involved in the alleged incident. Even, it was found during the investigation that the petitioner was not present at the place of alleged firing and only on the basis of the statement made by Raman son of Jai Parkash, co-accused in police custody, the petitioner was arrayed as accused in the present case. However, such disclosure statement was inadmissible in evidence, being confined in police custody. Apart from that, the petitioner was neither attributed any injury nor anything was recovered from the petitioner. Even, there was no evidence to connect the petitioner with "Himanshu @ Bhau Gang" and there was no evidence that any financial transaction had taken place between the petitioner and his co-accused. The petitioner was arrested in the present case on 27.02.2024 and is in custody since then.

4. Learned counsel appearing on behalf of Harvinder (petitioner in CRM M-6453-2025) submits that the petitioner was not named in the FIR and has been wrongly arrested on 21.02.2024. The name of the petitioner appeared for the first time in the second disclosure statement suffered by Rohit, co-accused on 08.02.2024. In the said statement, the petitioner was attributed the role that he came

in a Black Scorpio vehicle and supplied 4 weapons to Rohit, co-accused. In fact, such statements made by the co-accused had no relevance and is an inadmissible piece of evidence. He further contends that the petitioner was not present at the place of the occurrence and has been wrongly involved.

5. Learned counsel appearing on behalf of Vxxxx son of Sanjay (petitioner in CRR 1918 of 2024) submits that the petitioner was a juvenile at the time of alleged occurrence 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.

6. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners on the ground that the petitioners belong to “Himanshu @

Bhau Gang” and at their instance 30/40 gunshots were fired at Mathuram Chowk, Gohana. Even, with regard to the incident, an Instagram post was uploaded and it was found that the said post was posted on Instagram by Vishal @ Kapoora, petitioner from his mobile phone. Still further, Vishal @ Kapoora was in touch with Himanshu @ Bhau through online chats. Consequently, he was taken into protective custody and during inquiry, he admitted his guilt. Learned counsel further contends that sufficient evidence had been collected against the other petitioners also and the petition deserves to be dismissed by this Court.

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

8. In the present case, the petitioners are stated to be in custody for the last more than 01 year and 06 months. It is not in dispute that the material witnesses in the present case have already been examined and they had supported the case of the prosecution. Moreover, even though, the allegations levelled against the petitioners are serious in nature, however, they may not be ordered to be confined in jail, as undertrial prisoners for an indefinite period. Even, one more FIR No. 23 dated 21.01.2024 under Sections 109, 111, 307, 386, 120-B and 34 IPC and Sections 25/29 of Arms Act has been registered at Police Station Gohana City, District Sonapat against the petitioners for the same incident and they have been arrested in the said FIR as well. Thus, at this stage, when the official witnesses are left to be examined by the trial Court, it would not be appropriate to keep the petitioners confined in jail any further.

9. 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