



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

235

CRM-M-67072-2025 (O&M)
Date of decision: 04.12.2025

Vikas @ Hauwa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Paramvir Singh, Advocate for the petitioner

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.007 dated 06.01.2025, registered under Sections 109(1), 3(5), 351(3), 61, 308(3), 238(A), 111(2)(d) of BNS and Section 25 and 25(1)(a) of the Arms Act, 1959 at Police Station Sadar, Bhiwani.
2. Learned counsel contends that the petitioner has been in custody for about 11 months. As per the allegations, he had done the recce of the complainant by making calls and informed to co-accused. The co-accused, who had allegedly fired at the complainant, on whose disclosure statement, the fire-arm allegedly used in the commission of offence, had been granted regular bail by the trial Court vide order dated 12.11.2025 while co-accused Bhim Sen @ Bhim Sain, who had allegedly transferred Rs.2000/- for commission of offence, has also been granted bail by this Court vide order dated 17.11.2025, Annexure P-3. Charges have been framed on 30.07.2025, however, out of 72 prosecution



witnesses, only three have been examined. The petitioner is involved in 1 more case, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 03.12.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 10 months and 23 days.

4. Learned State counsel opposes the bail on the ground that there the petitioner after doing recce of the complainant and injured, had intimated the main accused about his location. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being on bail in other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 10 months and 23 days; on bail in other case; charges were framed on 30.07.2025, however, 69 more prosecution witnesses still remain to be examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right

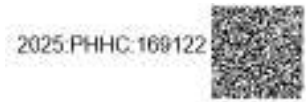


enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.



10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

04.12.2025
M.Kamra

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