

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:048379



207

CRM-M-5516-2026 (O&M)
Date of decision:27.03.2026

Vishal Kumar @ Shiva

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Prashar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking benefit of regular bail in case arising out of FIR No.454 dated 05.07.2024, registered under Sections 323, 506, 34 IPC (offences under Sections 238, 111(3), 308(5) of the BNS (corresponding Sections 201 and 386 of the BNS) were added) at Police Station City Ballabgarh, District Faridabad.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Vicky Singla, alleging therein that about 06 months back, he was assaulted by accused Dev Phogat, Pushpendra Phogat and their accomplices and two FIRs were registered in this regard on 03.01.2024 and 03.02.2024 respectively at Police Station City Ballabgarh,

Faridabad. Some days thereafter, accused Rohit along with his accomplices had come to his shop and by showing a gun, had exerted pressure upon him to give statements in favour of above named accused and out of fear, he had done so. After being released on bail in those cases, accused Dev Phogat, Pushpendra Phogat and Keshav Phogat along with 10-15 accomplices came to the shop of the complainant on the night of 07.06.2024, tried to abduct him and demanded money to the tune of Rs. 40,000/- per week and otherwise to face consequences. The complainant thereafter received threatening and ransom money demand calls on his phone. On 05.07.2024 also, such call was received demanding an amount of Rs.40,000/-. Out of fear, he had delivered the abovesaid amount at the desired place. By alleging that he was under constant threat of life, he prayed for taking action in the matter. Initially, a case under Sections 395, 397, 506 and 195-A IPC was registered, lateron these offences were deleted and offences under Sections 323, 506 read with Sections 34 of the IPC and Sections 238(A), 308(5) and 111(3) of the BNS were added. The accused Dev Phogat was arrested on 27.09.2024 and on the basis of his statement, petitioner was nominated as an accused and was arrested on 22.11.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The allegations of his committing offence of dacoity have been found to be false. He is in custody since 21.11.2025. The trial will take considerable time to conclude as no prosecution witness has been examined so far. Co-accused Hemant, Dev Phogat and Pushpendra Phogat have been extended benefit of bail. His case

is on parity and as such, he too deserves to be extended the same benefit. It is, thus, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have formed membership of an organized gang to extract money by assaulting and criminally intimidating the victim. He was not named in the FIR and was nominated on the basis of disclosure statement of the co-accused. The veracity of this disclosure statement has to be tested during trial. Co-accused Dev Phogat, Pushpendra Phogat and Hemant have already been extended benefit of bail. There are no chances of conclusion of trial in near future. Taking into consideration the period spent by the petitioner in custody, nature of allegations as levelled against him, in the absence of any recovery and on parity, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing personal bonds as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however, keep the trial Court informed about any change in his residential address and his mobile number. He will keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar

nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this Court.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

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

27.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE