



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

CRM-M No.9675 of 2026

Date of Decision: 02.04.2026

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Bijender @ Vijay

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rohit Khanna, Advocate and
Ms. Simran Sharma, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.133 dated 26.04.2022 registered for the offences punishable under Sections 25, 27, 54, 59 of the Arms Act, Sections 302, 307 and 201 of the IPC (the petitioner was charge-sheeted under Sections 27, 30 of the Arms Act and Sections 302, 307 and 201 of the IPC), at Police Station Linepar Bahadurgarh, District Jhajjar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

“Statement of Ratan Kumari, wife of Rajendra Singh, resident of Barhana, District Jhajjar, currently residing at Vats Colony, Linepar, Bahadurgarh, age 43 years, Mobile No. 8813921459, stated that I am a resident of the above address. I am living with my husband and children in Vats Colony, Linepar, Bahadurgarh. I have three children, one

daughter and two sons. Tonight, at around 10:30 PM, my husband Rajendra, our three children, and I were sitting together and having dinner when I heard my brother-in-law Vijay abusing us by name in the street. I went outside to reason with my brother-in-law Vijay, when my husband Rajendra also came out. He folded his hands and said that we were having dinner, and that he should go home, eat, and sleep, and let us sleep too. At this, my brother-in-law became enraged and said that he would shoot and kill my entire family. He took out a pistol from his waist and fired 3-4 shots at my husband Rajendra's chest. When I tried to intervene, he fired a shot at my stomach, on the left side, below the nipple. After hearing our screams, my eldest son Amit alias Sonu came, and Vijay with the intention of killing him, fired two shots, one in his left arm and one in his leg. Then my younger son Mayank came running towards us screaming and Vijay shot him in the ankle of his right leg. After hearing our cries of "He's killing us! He's killing us!", our neighbour Kuldeep son of Prahlad came to intervene and Vijay fired a shot at him with the intention of killing him, bullet hitting him in the upper part of his hip. Then Kuldeep's mother came running and Vijay fired a shot at Sunita, wife of Prahlad, with the intention of killing her but the bullet went over her head. After that, Vijay picked up an iron pipe lying in our house and hit me on the head with it. Many people from the neighbourhood gathered. Vijay then fled the scene with his weapon. After that, our neighbours took him for treatment to Brahmashakti Sanjeevani Hospital in Bahadurgarh. Vijay had fired shots with the intention of killing all of us. I have just learned that my husband, Rajendra died from gunshot wounds inflicted by Vijay. I request that strict legal action be taken against my brother-in-law Vijay son of Raghubir Singh. I have given and signed my statement to you at Brahmshakti Sanjeevani Hospital, Bahadurgarh, where I am receiving treatment. I heard and it is correct."

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 30.04.2022. Learned counsel has further submitted that the petitioner has falsely been implicated into the FIR in question. Learned counsel has further submitted that the prime prosecution witnesses, including the FIR-complainant, have turned hostile and, thus, the trial is not likely to culminate into conviction. Learned counsel has further submitted that the petitioner is in custody for more than 03 years and 11 months. Thus, regular bail is prayed for.
4. Learned State counsel has filed the status-report by way of affidavit of Pardeep Kumar, HPS, Assistant Commissioner of Police, Bahadurgarh, District Jhajjar, in Court today. The same is taken on record.

Copy thereof has been furnished to learned counsel for the petitioner. Learned State counsel, while raising submissions in tandem with the said status-report, has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel has further submitted that the FIR-complainant stands informed, in terms of order dated 24.02.2026 passed by this Court, but none has caused appearance on behalf of the said complainant. Learned State counsel seeks to place on record custody certificate dated 01.04.2026 in the Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 30.04.2022 whereinafter investigation was carried out and Challan was presented on 27.06.2022. Total 31 prosecution witnesses have been cited out of whom 15 witnesses have been examined till date. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature

of the crime.

20. *We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.*

21. *We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution."*

6.1. The rival contentions; including the veracity/weightage required to be attached with the testimony of the hostile witnesses; shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Further, as per custody certificate dated 01.04.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 years 11 months and 04 days & is stated to be not involved in any other case/FIR.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

April 02, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No