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

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CRM-M-9369-2026 (O&M)
Date of decision: 10.04.2026

Anshu @ Prashant Kumar Singh @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 0578 dated 29.09.2021, registered under Sections 397, 307, 342, 394 and 34 of IPC (deleted later on), Sections 395 and 120-B of IPC (added later on), and Sections 25, 25(1)(A) of the Arms Act, 1959 at Police Station Mujesar, District Faridabad. His previous petition was dismissed as withdrawn on 18.01.2024.

2. The aforementioned FIR was registered on the basis of a complaint filed by complainant Mohit alleging therein that on the night of 28.09.2021, his worker Bablu was pulling down the shutter of his shop, when two youths with muffled faces came therein, they pushed him and closed the shutter from inside. They pointed pistols at the complainant and Bablu and opened an assault upon them by giving beatings to them. Thereafter, they took away cash amount of about Rs.5 Lakhs, one gold chain and a mobile phone belonging to the complainant and attempted to flee. However, the complainant raised alarm, on

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hearing which, his father Ved Prakash, who was upstairs, came down. One youth was found standing outside the shop with a motorcycle. All three of them tried to flee. The complainant's father tried to catch hold of them but they fired gunshot on him with intent to kill him. His father sustained firearm injury on his left shoulder and had fallen down. One person namely Gaurav, who had reached there, also tried to apprehend the assailants but he too sustained firearm injury and then the assailants managed to flee. Injured Ved Prakash and Gaurav were taken to hospital for treatment.

3. After registration of the FIR, investigation proceedings were initiated. CCTV footages of the cameras installed in the vicinity were checked. On the basis of technical investigation conducted by the police, the petitioner along with co-accused Manish, Abhishek and Amit were overpowered at Haridwar on 30.09.2021. However, they opened an attack upon the police officials by firing shots, in which Constable Sandeep sustained a gunshot injury. The petitioner and co-accused managed to flee. Constable Sandeep was taken to hospital but was declared brought dead. A separate FIR bearing No. 765 dated 01.10.2021 was registered at Police Station Kotwali, Haridwar. Accused Vipul was arrested on 04.10.2021. Accused Shubham was arrested on 08.10.2021. The petitioner and co-accused Manish and Amit were arrested in some other case. Their presence in this case was secured by issuance of production warrants on 13.10.2021 and they were formally arrested. They suffered disclosure statements admitting their involvement in the subject offences. The petitioner got recovered an amount of Rs.35,000/- out of the looted amount, a mobile phone and a motorcycle, which was used in commission of the crime. Accused Sumit, Abhishek and Rakesh were also arrested subsequently. Investigation now stands

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completed and the petitioner along with the co-accused is facing trial for commission of offences punishable under Sections 342, 395, 397, 307 read with Section 120-B of IPC and Section 25 of the Arms Act.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. There is no direct evidence to connect him with the subject crime. He has been in custody for a period of about 04 years and 06 months. There are no chances of conclusion of trial in near future as only 02 out of total 60 prosecution witnesses have been examined so far. Co-accused Manish, Shubham, Vipul, Sumit and Rakesh have already been granted concession of bail. On parity, the petitioner too deserves to be given the same benefit. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. He has been extended benefit of bail in aforementioned FIR No. 765 of 2021. No useful purpose would be served by detaining him into custody anymore. The prolonged incarceration militates against his fundamental right guaranteed under Article 21 of the Constitution of India. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. One more case under Section 302 of IPC has been registered against him for opening attack upon the police officials and causing death of a Police Constable. There are chances of the petitioner's absconding or committing similar offences, if released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable

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length.

7. The petitioner along with the co-accused is alleged to have committed the offence of dacoity/robbery and to have attempted to kill the complainant's father and abovementioned Gaurav on the day of occurrence. The allegations levelled against him prima facie make out a case for commission of alleged offences. However, he has been in custody for the last about 04 years and 06 months as his custody is continuing since the date of his arrest i.e. 13.10.2021. The chances of conclusion of trial in near future are bleak as only 02 out of total 60 prosecution witnesses have been examined so far. The petitioner was not named in the FIR. There is nothing on record to show that the delay in trial is attributable to the petitioner and in such circumstances, the petitioner has a right to seek grant of bail on that very ground alone. Moreso, most of the co-accused have been granted concession of bail. Hence, the principle of parity also weighs in favour of him. Keeping in view the aforesaid facts and circumstances, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court.

8. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10.04.2026

Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No