

2026.PHHC.052609



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-11311-2026

Ajay @ Shooter
State of Haryana

Versus

...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	06.04.2026
2	The date when the judgment is pronounced	07.04.2026
3	The date when the judgment is uploaded on the website	07.04.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

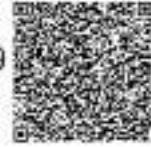
Present: Mr. Sumit Sangwan, Advocate for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 182 dated 27.06.2024 registered under Sections 506, 341, 323, 307, 149, 148 and 120-B of IPC and Section 25 of Arms Act, 1959 (Section 325 of IPC added later on) at Police Station Sadar Dadri, District Charkhi Dadri.

2. As per the allegations, on 26.06.2024, complainant Karambir along with his companions Sahil and Sachin had gone to Dadri on his pick up vehicle and had unloaded shuttering material from his vehicle and then all

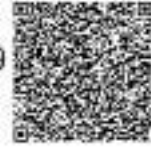
2026.PHHC.052609



three of them were going towards Fatehgarh. When they reached near village Sahawas, they were intercepted by two youths, who came riding a bike. The complainant identified one of them as Sachin @ Rot. He fired a shot towards Sahil with an intent to kill him. Thereafter, co-accused Ravinder Makdana, Nitin Datoli, Ramnath, Sharvan, Dharma and 2-3 unknown persons also reached there. All of them were armed with weapons. They damaged the window panes of the vehicle of the complainant and made Sahil alight from the vehicle. One of them asked accused Sachin to kill Sahil to take revenge for Kala Khetan. All of them started extending beatings to Sahil with iron rods and *dandas*. The complainant and his companion Sachin concealed themselves in the nearby fields in order to save themselves. When they came out after some time, they found Sahil to be lying in an injured condition on the ground. He was taken to hospital. On the basis of the written complaint filed by the complainant, the aforementioned FIR was registered. Investigation proceedings were initiated.

3. During investigation, accused Pankaj @ Amarjit and Shivkant @ Nitin were arrested. The accused Shivkant suffered a disclosure statement on 20.09.2024 on the basis of which the present petitioner along with the co-accused Arun @ Nada, Ankit, Diksendra Dahiya and Akash were nominated as additional accused. The petitioner was arrested on 26.09.2024. He too suffered disclosure statement admitting his involvement in the crime by saying that the pistol which was used by the accused Shivkant for firing a shot at the victim, had been given by him along with six live cartridges. Co-accused were also arrested. Investigation now stands concluded.

2026.PHHC.052609



4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused- Shivkant, which cannot be considered to be admissible in evidence. He was not named in the FIR. No specific overt act has been attributed to him. Investigation now stands completed. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Hence, it is urged that the present petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, the victim Sahil was assaulted with an intent to kill him. The petitioner was nominated on the basis of disclosure statement suffered by the co-accused Shivkant. As per the allegations, it was he who had handed over a pistol, live cartridges to the co-accused for the purpose of killing the victim Sahil. However, no firearm injury has been sustained by the victim. No specific injury has been attributed to the petitioner. He has been in custody for

2026.PHHC.052609



over a period of over 01 year and 06 months. Trial will obviously take considerable time to conclude as only 03 out of 16 prosecution witnesses have been examined so far. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th April, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |