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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13569 of 2026

Gaurav Gupta ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	20.04.2026
2.	The date when the judgment is pronounced	21.04.2026
3.	The date when the judgment is uploaded on the website	21.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the 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. Sanjeev Majra, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
376	14.06.2025	Shahabad, District Kurukshetra	103(1), 3(5), 61(2), 111(2), 111(3), 111(5), 238 and 253 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of complaint submitted by the complainant Prince alleging that he was working as a driver with the liquor contractor Shantanu from the last one month. On the evening of 13.06.2025, he along with Aniket, another employee of the liquor vend and Shantanu was going towards Shahbad. He had stopped his vehicle at Meena Market, Shahbad on asking of Shantanu. The latter had alighted from the vehicle and was proceeding towards a shop to buy cigarette, when suddenly two youths reached from behind, on a motorbike and one of them started firing shots upon him. Seeing them, the complainant hit both of them with his vehicle due to which the assailants also sustained injuries and fled while leaving their motorbike at the spot. The injured Shantanu was rushed to hospital who succumbed to the injuries and died. After registration of FIR, investigation proceedings were initiated.

3. As per the further allegations, on 14.06.2025, a post was posted on Instagram App of one Noni Rana gang thereby claiming responsibility of murder of the victim Shantanu. The names of Lawrance Bishnoi, Jitender Maan, Rajan Jaat, Noni Rana and Kala Rana were also written on the said post. The accused Rajan Jaat who was in custody in some other case was

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joined into investigation of this case and suffered disclosure statement on the basis of which Subham Khurana and some other persons were nominated as accused. The accused Subham Khurana and Prbhjot Singh were arrested. During the course of investigation, the accused Harneet Singh was also nominated as an accused. It was revealed that he had played an active role in the murder of the victim. The investigation further revealed that Jaspal Singh who is father of accused Harneet Singh had intentionally assisted him in order to protect him, had arranged for his passport, visa and air ticket, had made arrangement for depositing money in the bank account of one Sanamdeep and had handed over an amount of Rs.1,60,000/- to one Vikram for depositing of the same for facilitating the escape of accused Harneet, who had subsequently been arrested on 15.10.2025. The petitioner was nominated as accused and had been arrested on 17.10.2025 on the allegations that he had knowingly facilitating the harbouring and concealment of accused Harneet Singh who had actively participated in the murder of victim Shantanu and was absconding. He had arranged for accommodation for Harneet Singh in a room situated above a shop near his residence without the knowledge and consent of the lawful owner thereby providing him a safe hideout to evade address. It was also revealed that he had supplied food and extended financial support to the extent of Rs.10,000/- for personal expenses of accused Harneet Singh. He had concealed the absconding accused for a continuous period of approximately three months by deliberate acts of providing shelter, financial aid and

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communication means. Investigation now stands completed.

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. He is in custody since long. No recovery has been effected from him. The disclosure statement of co-accused Harneet Singh nominating him as accused cannot be considered to be legally admissible in evidence. No useful purpose would be served by detaining him in custody any more. His antecedents are clean. His case is on parity with co-accused Dipender Pal Singh who has since been extended benefit of bail. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned Assistant Advocate General, Haryana while relying upon the status report, has argued that the allegations against the petitioner are serious in nature. He worked as a conduit and facilitated concealment of co-accused Harneet Singh who was actively involved in the murder of the victim. He by being a member of an organized gang facilitated commission of offence of murder of the victim. There are chances of absconding of the petitioner, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to be a member of a gang consisting of co-accused who are part of an organized crime syndicate. As per the role attributed to him, he provided a safe hideout, financial assistance, logistic support and communication facilities to the co-accused Harneet Singh so as

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to evade his arrest and obstructing the course of justice. The role, however, provided to him is limited and is distinct from principal homicidal act. He was not named in the FIR. The linkage sought to be established between the petitioner and the act attributed to him primarily rests upon the disclosure statement of co-accused Harneet Singh as well as circumstantial inferences. The role so attributed to him is distinct and remote offence from the direct commission of offence punishable under Section 103(1) of BNS. It is a matter of evidence as to whether the provisions of Section 111 are attracted or not? This Court is conscious that the provision is serious in nature. However, it is also required to be tested as to whether the material against the petitioner justifies his continued pre trial incarceration bearing nature of evidence and progress of the trial. The petitioner is in custody since 17.10.2025. In view of the foregoing discussion, particularly the limited role as prescribed to the petitioner, this Court is of the considered opinion that the continued detention of the petitioner would not serve the ends of justice. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and subject to the following conditions:-

- (i) he shall appear before the learned trial Court on each date of hearing unless exempted.
- (ii) he shall not tamper with evidence or attempt to influence witnesses in any

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manner.

(iii) he shall not leave the country without prior permission of the Court.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.04.2026
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(MANISHA BATRA)
JUDGE

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