



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

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CRM-M-15836-2026 (O&M)

Date of decision : 09.04.2026

Aman Awana

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Aman Pal, Senior Advocate with
Mr. Rishabh Chaudhary, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

Dr. Pankaj Nanhera, Senior Advocate with
Ms. Ishita Arora and Mr. Anurag Mor, Advocates
for the complainant.

SURYA PARTAP SINGH, J. (oral)

This petition for bail is the second petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.130 dated 01.03.2025, for the commission of offence punishable under Sections 109(1), 115, 190, 191(3), 351(2) [Sections 117(2) and 238(B) of BNS added later on] of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS' only, and Section 25 of Arms Act, Police Station Suraj Kund, District Faridabad.

2. The abovementioned FIR came into being at the instance of 'Arun Rai', hereinafter being referred to as 'complainant' only. It was stated



by the above-named complainant that he had countered the unwarranted posts uploaded by 'Mahesh Awana' on his social media account, and therefore, 'Mahesh Awana' was nursing a grudge against him. According to complainant, on 28.02.2025, he had attended a wedding reception of the son of his acquaintance, namely 'Ravindra Chaudhari', at Suraj Kund road, and that he was accompanied by his sons, namely 'Aniket Rai' and 'Akint Rai'. As per complainant, after attending the function when they came out of the venue to board the vehicle, his son 'Aniket Rai' went to the parking lot to bring the vehicle, where 8-10 persons were already waiting for him, and they assaulted him.

3. The complainant further alleged that when his son screamed for help, he along with his other son 'Akint Rai' rushed to the spot and found that 'Amar Awana' holding a steel pipe and 'Aman Awana' armed with a pistol were present there. As per complainant, 'Aman Awana' (the petitioner herein) fired a gunshot towards him, but he narrowly escaped and thereafter, their acquaintance gathered on the spot and thereafter, the assailants fled from the spot.

4. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Ms. Deepali Verma, Asst. A.G. Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the



petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. Ms. Ishita Arora, Advocate has put in appearance on behalf of the complainant.

7. Heard.

8. It has been contended by learned Senior Counsel for the petitioner that this is second petition for bail filed by the petitioner, and that the first petition was not decided on merits, as the same was withdrawn due to some technical defect. As per learned Senior Counsel for the petitioner, a liberty was afforded to the petitioner to file fresh with better particulars. The learned Senior Counsel for the petitioner has further contended that the petitioner has already suffered prolonged incarceration for a period of more than six months, and that the investigation in this case is already complete, and nothing has been left to be recovered from the possession of petitioner.

9. It has also been contended by learned Senior Counsel for the petitioner that the benefit of bail has already been accorded to co-accused, namely 'Anand Awana' on 17.07.2025 and 'Amar Awana' on 31.07.2025. As per learned Senior Counsel for the petitioner, although there are allegations against the petitioner that he had used a firearm, but the contents of FIR itself shows that no firearm injury was suffered by the complainant or any of his sons.

10. It has also been contended by learned Senior Counsel for the petitioner that in the initial version, which came up in the FIR, there was



allegation with regard to firing of one gunshot only, but in the supplementary statement, the case has been developed to the effect that two gunshots were fired by the petitioner. While claiming that the trial is not likely to be concluded in near future, and that the detention of petitioner in judicial lock-up is not likely to serve any purpose, the benefit of bail has been claimed by learned Senior Counsel for the petitioner.

11. The learned State Counsel and the learned Senior Counsel for the complainant have controverted the abovementioned arguments. According to learned Senior Counsel for the complainant, in the present case there are very specific and categorical allegations against the petitioner qua the fact that he had used firearm with an intention to kill the complainant, and that it was only the good luck of the complainant that he narrowly escape from gunshot injury. It has also been contended by learned Senior Counsel for the complainant that contents of the petition itself show that the petitioner does not have clean antecedents, as he is facing prosecution in five other cases also. According to learned Senior Counsel for the complainant, already there are allegations against the associates of the petitioner that they have been threatening the witnesses.

12. In view of above, the learned Senior Counsel for the complainant has contended that if the petitioner is released on bail, he is likely to tamper with the evidence and threaten the witnesses. As per learned Senior Counsel for the complainant in view of abovementioned facts and circumstances, the petitioner is not entitled for the benefit of bail.

13. The record has been perused carefully.



14. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the petitioner is already in custody for a period of more than six months;
- ii) that this second petition is maintainable in view of the fact that first petition was not decided on merits and a liberty was given to the petitioner to file second bail petition with better particulars;
- iii) that although the firearm was used by the petitioner, but no injury was suffered by the complainant or any other person;
- iv) that investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that co-accused of the petitioner have already been accorded the benefit of bail;
- vii) that the detention of petitioner in judicial lockup is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

15. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of



criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

16. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being



nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

17. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

18. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

19. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a



conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

20. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

09.04.2026
Gaurav Thakur

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