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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23131-2026

Date of Decision : 30.04.2026

Sachin

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R.K. Jhamb, Advocate and
Mr. Shivansh Malik, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No. 33 dated 08.02.2025, under Sections 109(1), 190, 191(3), 351(3) of BNS, and Section 25 of Arms Act, 1959 (Sections 103(1) and 61(2) of BNS (Section 302 and 120B IPC) and Sections 27 and 30 of Arms Act were added later on during the course of investigation), registered at Police Station Sadar Rohtak, District Rohtak.
2. Complainant-Saurabh, who also sustained injuries in the present case, got FIR registered , which reads as follows:

"I, Saurav S/o Gulab Singh, resident of Dhamad, District Rohtak, state that today dated 08/02/2025, I along with Manish S/o Ashok, around 3:30 PM, went from our village to Rithal bridge at canal JNL to fetch water. When we reached the canal, three vehicles were already parked there, namely SCORPIO, VERNA, and THAR. About 15 boys got down from those vehicles, among whom were Mandeep and Ashish S/o Anil, Sahil S/o Satwant, Ravi S/o Joginder, Rohan S/o Kitab, and Deepak S/o Surajmal, residents of Dhamad village, along with other boys. They, with pistols in their hands, fired indiscriminately at me and Manish with the intention to kill us. We

both received multiple bullet injuries. Then the boys who had accompanied us informed our families and my father. My father and Manish’s family took us for treatment from the spot to Positron Hospital: Legal action should be taken against Mandeep, Ashish, Sahil, Ravi, Rohan, Deepak, and the other boys who came along. Due to old quarrels, all the above-named boys were present at the canal armed with weapons and sticks after consultation. I have submitted an application through my father Gulab Singh. Applicant: Saurav S/o Gulab Singh, Village Dhamad, 9729103239.”

3. Learned counsel for the petitioner submits that, injured/complainant-Saurabh, who got registered the FIR, has already been examined in the witness box, wherein he failed to support the case of the prosecution. Consequently, other co-accused of the petitioner, namely Tinku Hooda, Rohan, Ajay, Mandeep and Ashish, have already been granted the concession of bail, wherein the factum of injured/complainant-Saurabh having turned hostile has been duly noticed. Statement of complainant Saurabh as PW-3 is appended with the instant petition as Annexure P-14 and his examination-in-chief reads as under:

<i>Prosecution witness No.3 (10+2)</i>	<i>Saurabh son of Gulab Singh, age-19 yers, Agriculturist, R/o: Village Dhamar, District Rohtak. On S.A</i>
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Stated that on 08.02.2025, at about 3.30 P.M., I along with Manish son of Ashok went for taking water from JLN Canal. When we reached in JLN Canal, at that time, some unknown persons were found present in vehicle i.e. Maruti 800 and all the assailants armed with fire arms and they fired shot on me and Manish with a pistol, in which, I and Manish received several gun shot injuries. On hearing firing noise, my villagers working nearby in their fields nearby the place of occurrence rushed to the place of occurrence and tried to apprehend the assailants and they grappled with them and in that process, the pistol used by them fell down on the ground and thereafter, they succeeded to freed them and fled from there. On 22.03.2025, I and my



father were called in CIA Staff, Rohtak and the police officials obtained my signatures on 2-3 blank papers and thereafter, we both were sent back to my home.

Today, I have seen accused Rohan, Mandeep, Ashish, Sachin Navneet, Ajay, Ravi, Deepak and Sahil present in the Court through VC and accused Mandeep son of Naresh present in the Court. They are not the same persons who assaulted me and fired pistol upon me and Manish.

(At this stage, Ld. PP requests that the witness is suppressing the truth and thus be declared hostile and he may be allowed to cross examine him. Heard. Allowed).....”

Learned counsel for the petitioner further submits that name of the petitioner is not even mentioned in the FIR. Petitioner is in custody for a period of more than one year and two months; therefore, prays for grant of regular bail.

4. On the other hand, learned State counsel submits that there is a recovery of a weapon, i.e., a pistol, allegedly effected at the instance of the petitioner, which, as per the FSL report, has been found to match cartridges recovered from the spot. It is also submitted that petitioner is involved in three other criminal cases. Thus, prays for dismissal of the concession of bail.

5. I have heard learned counsel for the parties and perused the paper book.

6. A perusal of the record reveals that the names of co-accused persons, namely, Mandeep, Ashish, Sahil, Ravi, Rohan, Deepak, and some other accused have been mentioned in the FIR alongwith other boys, and all of whom are alleged to have fired indiscriminately at the complainant, Saurabh, and the deceased, Manish. Moreover, name of the petitioner does not find mention in the FIR. Furthermore, complainant during his examination before the trial Court, failed to identify the petitioner as well as the other accused persons and was consequently declared hostile. Therefore, it is for the trial Court to ascertain, whether there exists sufficient and cogent material on record



to sustain the conviction of the petitioner for the offences, for which charges have been framed.

6. It is also an admitted position that co-accused have already been released on bail by the trial court, primarily for the reason that the prime witness, namely Saurabh, who suffered firearm injuries, did not support the case of the prosecution, and petitioner is in custody for a period of more than 01 year and two months, this Court does not find any substantial reason to detain the petitioner any further.

Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereinabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 30, 2026

ps

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*