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

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Date of decision : 19.05.2026

**OMBIR ALIAS BANTI**

... PETITIONER

Versus

**STATE OF HARYANA**

.. RESPONDENT

**CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Sunny Chauhan, Advocate for the petitioner.

Mr. Vijay Kumar, AAG, Haryana.

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**H.S. Grewal, J.(Oral)**

1. The present petition has been filed under Section 483 of BNSS, 2023 (erstwhile Section 439 Cr.P.C.) seeking regular bail for the petitioner in case FIR No.48 dated 25.02.2023, registered under Sections 302, 506, 120-B and 34 IPC (now Sections 103(1), 351(2), 61(2), 3(5) of BNS, 2023) and Section 25 of the Arms Act, 1959, at Police Station Beri, District Jhajjar.

2. The case of the prosecution is that the brother of the complainant, namely, Sumit Kumar (deceased) had advanced some money to the petitioner and co-accused. On 25.02.2023, when the complainant along with his brother and a friend went to meet the petitioner for return of the borrowed amount, the petitioner along with co-accused allegedly met them near a hotel. It is alleged that after some conversation, while they were travelling in the complainant's vehicle, the petitioner took out a country-made pistol and fired at Sumit Kumar,

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causing a gunshot injury on his head. Sumit Kumar was immediately taken to PGI Rohtak, where he was declared dead.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no specific role has been attributed to him. He further submits that the complainant has not supported the prosecution case regarding the involvement of the petitioner. Learned counsel also submits that the petitioner is in custody for the last more than 03 years, 02 months and 16 days and though he is involved in another case but he is on bail in that case. He, therefore, prays for release of the petitioner on regular bail as the trial is likely to take a long time as only 08 out of 26 cited prosecution witnesses have been examined so far.

4. Notice of motion.

5. On the asking of the Court, Mr. Vijay Kumar, AAG, Haryana, accepts notice on behalf of the respondent/State and vehemently opposes the prayer for grant of regular bail. He submits that the allegations against the petitioner are grave in nature as he is the main accused who was specifically named in the FIR and has been attributed the direct role of firing the fatal shot at the deceased. He has filed the custody certificate of the petitioner in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 03 years, 02 months and 16 days. He, upon instructions, submits that only 08 out of 26 cited prosecution witnesses have been examined so far.

6. I have heard the learned counsel for the parties and perused the record.



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7. The allegations against the petitioner are admittedly serious in nature. As per the prosecution case, the petitioner is the main accused and has been specifically attributed the direct role of firing a gunshot on the deceased-Sunil Kumar, which resulted in a fatal head injury leading to his death.

8. Furthermore, the complainant has specifically named the petitioner and the material presently available on record prima facie indicates his active involvement in the occurrence. In the case in hand, the nature of accusation is not one of mere suspicion or indirect involvement, but of direct participation in the alleged commission of a heinous offence punishable under Section 302 IPC.

9. Admittedly the petitioner is in custody for the last more than 03 years, 02 months and 16 days and only 08 out of 26 prosecution witnesses have been examined so far. However, merely long custody by itself cannot be treated as a sole ground for grant of bail in every case, particularly where the allegations are grave in nature and the petitioner has been assigned a specific and direct role in the occurrence. In this regard, reference can be made to the judgments of the Hon'ble Supreme Court in the case of ***State of U.P. through CBI v. Amarmani Tripathi, (2005) 8 SCC 21*** and ***Mahipal v. Rajesh Kumar, (2020) 2 SCC 118***, wherein it has been specifically held that while granting bail in serious offences, the Court must consider the gravity of the offence and the role attributed to the accused.

10. Keeping in view the seriousness of the allegations, the specific role attributed to the petitioner, the nature of the offence and the overall facts



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and circumstances of the case, this Court is not inclined to grant regular bail to the petitioner at this stage.

11.           Consequently, the petition is, hereby, dismissed.
12.           However, the petitioner shall be at liberty to move a fresh application for bail in case the trial does not make substantial progress.

May 19, 2026  
Sonia

(H.S.GREWAL)  
JUDGE

Whether speaking/reasoned       :

Whether reportable                :

Yes/No

Yes/No