

2026:PHHC:082174



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

111(3 cases)

Date of decision: 25.05.2026

CRM-M-27940-2025

KAPIL V/S STATE OF HARYANA

CRM-M-68080-2025

VIKRAM V/S STATE OF HARYANA

CRM-M-27151-2026

ROHIT ALIAS BACHHI V/S STATE OF HARYANA

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aditya Sanghi, Advocate,
for the petitioner in CRM-M-27940-2025.

Mr. Samay Sandhawalia, Advocate,
for the petitioner in CRM-M-68080-2025.

Mr. Sanchit Punia, Advocate,
for the petitioner in CRM-M-27151-2026.

Mr. B.S.Saroha, DAG, Haryana.

Mr. Sumit Gupta, Advocate, for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petitions filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.678 dated 16.08.2024, registered at Police Station Hisar Sadar, under Sections 103(1), 109, 111(2), 3(5), 61(2), 238(a), 249 BNS and Section 25(1) (a) 54, 59 of Arms Act.

2. Status report by way of affidavit of the Assistant Commissioner of Police, Hisar, filed in CRM-M-27151-2026, is taken on record.

3. Learned counsel submits that petitioner-Kapil has been in custody for the last 1 year, 5 months and 15 days, petitioner-Rohit @

Bachhi for 1 year, 8 months and 7 days and petitioner-Vikram for 1 year, 6 months & 6 days. The names of petitioners-Kapil and Rohit surfaced based on the disclosure statement of co-accused Sonu, as per which, they have done reeve, while against petitioner-Vikram, the allegations are of dropping of bag of weapon at Rohtak Road and in FIR No.547 dated 23.09.2024, registered at Police Station Kharkhoda, District Sonapat, similar allegations were levelled, wherein he has since been granted bail by the Coordinate Bench vide order dated 07.05.2026, after being in custody of 1 year and 7 months. There is no evidence to connect them with the alleged occurrence, but for the disclosure statement of co-accused. Charges have been framed on 15.07.2025, however none out of 50 PWs, has been examined. Learned counsel refer to the order dated 09.03.2026 passed by trial Court, wherein, it was recorded that PW Rahul was present, but could not be examined on account of request being made by his counsel. It has also been pointed out that the order dated 21.05.2026 has yet not been uploaded and the matter now stands adjourned to 30.07.2026. Petitioners-Kapil and Rohit alias Bachhi are not involved in any other case whereas petitioner-Vikram is 1 more, as referred to hereinabove. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

4. Learned State counsel assisted by learned counsel for the complainant opposes the bail on the ground that the petitioners have

actively participated in the commission of offence. However, he is unable to controvert the submissions with regard to stage of the case; petitioners-Kapil and Rohit alias Bachhi being not involved in any other case, petitioner-Vikram being on bail in another case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case and the submissions made on behalf of the petitioners, in particular they being in custody for the last 1 year, 5 months and 15 days, 1 year, 6 months and 6 days and 1 year, 8 months and 7 days, respectively; petitioners-Kapil and Rohit alias Bachhi not involved in any other case while petitioner-Vikram on bail in another case; charges stand framed on 15.07.2025; prosecution evidence has to commence; in all there are 50 PWs; the trial is likely to take a considerable time and further incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, thus the present petition is allowed.

8. The petitioners are ordered to be released on regular bail on their furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made abundantly clear that in case there is any breach of the conditions imposed by the Court concerned, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

11. Photocopy of this order be placed on the connected file(s).

25.05.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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