

**CRM-M-28903-2025 (O&M)****-1-****108+219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-28903-2025 (O&M)****Date of decision: 04.02.2026****VIJAY @ BHATRA****...PETITIONER****VERSUS****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Randeep S. Dhull, Advocate for the complainant.

RAJESH BHARDWAJ, J. (ORAL)**CRM-4654-2026**

Allowed as prayed for. Annexures P-5 and P-6 are taken on record,
subject to all just exceptions.

Main case

1. Present petition has been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.121, dated 22.04.2023, under Section 25 of Arms Act, 1959, Sections 148, 149, 302, 307 of IPC, 1860 (later on during investigation Sections 120-B, 201, 379B, 467, 468, 471 and 34 of IPC, 1860 added and Sections 148, 149 of IPC, 1860 deleted), registered at Police Station Gohana Sadar, District Sonipat.

2. Succinctly the facts of the case is that the FIR was lodged on the statement of the complainant, namely, Ranbir. It was alleged that on 22.04.2023, at about 12 o'clock, he was standing near Barsano Wali Chopal at that time, his son Suraj and Jitender son of Ramesh were going their home. In the meantime,

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when they reached near Barsano Wali Chopal, Vicky (present petitioner), Vijay, Vikram @ Golu, Ajay @ Sonu, Jagbir @ Noni and Ramesh came on two different motorcycles and they started firing at his son and Jitender. Both suffered bullet injury. He shifted his son to Khanpur Hospital for treatment, however, his son, namely, Suraj was declared dead whereas the treatment of Jitender commenced. The request was made to take legal action against the accused persons. On the registration of the FIR, investigation commenced. The postmortem of the deceased-Suraj was conducted and MLR of Jitender was conducted. On completion of the investigation, the challan was presented against three of the accused i.e. Vicky, Vijay (present petitioner) and Vikram whereas rest of the accused has mentioned in the FIR, however, they were declared hostile. He approached the learned Additional Sessions Judge, Sonapat for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Sonapat declined the bail application vide order dated 23.12.2024. Thus, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the although the complainant, who claimed to be an eye-witness, named six accused in the FIR, during investigation, three of the accused, namely Ajay @ Sonu, Jagbir @ Noni, and Ramesh, were declared hostile. He further submits that even otherwise, during investigation the allegations made against the petitioner were found to be carried out the recce. The allegations pertaining to firing have been alleged against the co-accused, Vicky and Vikram. He further submits that the injured witness, namely, Jitender had been examined before the trial Court as

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that petitioner is behind bars since 21.06.2023 and he is not involved in any other case. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Learned counsel for the complainant has opposed the bail application on the ground that the petitioner was specifically named in the FIR as he has played an active role in committing the murder of the son of the complainant. He submits that the trial is also at the advanced stage. Thus, petitioner does not deserve the concession of regular bail.

5. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the complicity of the petitioner is duly established during investigation. It is the petitioner who carried out the recce of the deceased and injured Jitender as provided information to the co-accused, namely, Vicky and Vikram. He further submits that though Jitender has been declared hostile and other two eye-witnesses, namely, Monu as PW-1 and Amit as PW-2 respectively, have supported the case of the prosecution. He, on instructions, submits 08 prosecution witnesses still remains to be examined.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that though the petitioner was named in the FIR by the complainant, however, during investigation, it is found that he carried out the recce. The injured eye-witness, Jitender in the same incident has not supported the case of the prosecution. Custody certificate produced would show that the petitioner has completed incarceration of 02 years, 07 months and 13 days as on 03.02.2026 and he is not involved in any other case. Petitioner has no criminal antecedents. 8 prosecution witnesses still remains to be examined.



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of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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