



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

**209**

**CRM-M-30001-2026(O&M)**

**Date of decision: 29.05.2026**

Saurabh Sharma

...Petitioner

VERSUS

State of Haryana

...Respondent

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Vinod Ghai, Senior Advocate assisted by  
Mr. Arnav Ghai, Mr. Amrish R. Pandey and  
Ms. Kashish Sahni, Advocates for the petitioner.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

Mr. Piyush, complainant in person.

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**VINOD S. BHARDWAJ, J. (Oral)**

The instant first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.31 dated 10.02.2026 registered under Sections 109(1), 115(2), 191(2), 191(3), 324(4), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act at Police Station BPTP, District Faridabad.

2. Briefly stated, the present FIR was registered on the statement of complainant Piyush son of Netar Pal, resident of Anu Shree, 13th Floor, P1-B Tower, Faridabad who alleged that one Swati daughter of Madan Mohan, resident of House No. C-59B, Upper Ground Floor, Vishwakarma Colony, Prahladpur, New Delhi, had been residing with him for the last seven months. It was averred that on 09.02.2026 at about 6:00 p.m., Saurabh Sharma and his mother Runa Sharma came to his residence and questioned him and Swati regarding their living together. As per the complainant,

Saurabh Sharma asked Swati to accompany him and assured her that he would keep her happy. It was alleged that the said incident gave rise to animosity between the parties. The complainant further alleged that on the following day, i.e., 10.02.2026, at about 4:30 p.m., when he along with Swati came out of their residential society, they found Saurabh Sharma, Amit Sharma and three other unidentified persons waiting outside, who upon noticing them, started scuffling with him and Swati and also caused damage to their vehicle. It was further alleged that thereafter the present petitioner Saurabh Sharma pointed a pistol towards the complainant, whereupon he became frightened and attempted to flee from the spot. The complainant further alleged that in the meanwhile, the Amit snatched the pistol from Saurabh Sharma and fired a shot at him with an intention to kill him. However, the complainant claimed that he narrowly escaped and did not sustain any injury. It is further the case of the prosecution that upon hearing the commotion, residents of the society and other persons gathered at the spot, whereupon all the assailants fled from the place of occurrence. On the basis of the aforesaid allegations, the complainant sought legal action against the accused persons, leading to registration of the present FIR.

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 11.02.2026 and has already undergone actual custody of more than 03 and half months. He further contends that even as per to the allegations levelled in the FIR as well as the CCTV footage collected during the course of investigation, the petitioner is merely alleged to have been present at the spot and that no injury whatsoever was caused by the petitioner to the complainant or to any other person during the

occurrence. It is further submitted that, as per the prosecution version itself, it was co-accused Amit who snatched the pistol from the possession of the petitioner and thereafter fired a shot in the air. Learned counsel further points out that the weapon of offence was ultimately recovered by the police from another co-accused, namely Vipin and not from the petitioner. It is further submitted that the investigation in the present case is complete and final report stands filed, however, charges have not been framed so far and that there are 22 witnesses to be examined by the prosecution.

4. It is submitted that the petitioner has one more criminal case which was registered against him in Delhi, however, he stands acquitted of the same. It is thus contended that neither any injury has been caused nor any shot has been fired by the petitioner towards the complainant and that the only allegation is of a shot having been fired in the air by a co-accused, thus in such circumstances arguable issues would arise with respect to commission of offence under Section 307 IPC.

5. Learned State Counsel assisted by the complainant-Piyush and Swati who are present in person, contends that the petitioner is in the habit of indulging in such acts. It is contended that the petitioner was earlier in relationship with Swati, who is now in a relationship with complainant-Piyush. It is submitted that although the petitioner subsequently married another woman, the said marriage ended up in divorce. The petitioner-Saurabh is now desirous of pursuing his relationship with Swati, who does not want to continue any relationship with the petitioner herein. It was in the said process that the petitioner attempted to eliminate the complainant-Piyush.

6. Learned State Counsel however does not dispute that the gunshot was not fired by the petitioner herein and was instead fired by the co-accused.

It is also not disputed that the shot was not specifically aimed at the complainant and that no firearm injury was caused to any person during the occurrence. It is further not disputed that the investigation in the present case is complete, however, charges have not been framed so far. The complainant-Piyush and Swati, who are present in person before the Court, have raised serious apprehension to their life and liberty at the hands of the petitioner herein and submit that there is a grave possibility of the petitioner hovering around their house and work place to intimidate or harass them.

7. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

8. Without commenting on the merits of the case and taking into consideration that there would be arguable issues as regards the commission of offence under Section 109 of BNS and also that it is a case of no injury and that the weapon in question has been recovered from the second co-accused Vipin coupled with the period of custody already undergone by the petitioner and noticing that evidence has not yet commenced and conclusion of trial shall take a long, I deem it appropriate to allow the present petition.

9. The instant petition is *allowed* and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. The order shall however be subject to the following conditions qua which the petitioner shall submit an affidavit before the Trial Court:-

- i. That the petitioner shall not come within the radius of 100 meters of the place of residence of the complainant Piyush son of Netar Pal, Resident of Anu Shree, 13<sup>th</sup> Floor, P1-B Tower, Faridabad and House No.8,

Kanwra Mod-Jasana Road, Faridabad as well as Swati daughter of Madan Mohan, resident of House No.C-59B, Upper Ground Floor Vishwakarma Colony, Prahladpur, New Delhi – 44.

ii. That the petitioner shall not extend any other threat to either of the aforesaid two persons.

iii. The petitioner shall not move any application for seeking release of the said weapon on superdari.

11. In the event any of the conditions imposed as abovesaid is violated and the petitioner indulges in any other act of intimidating the complainant or Swati, in any manner whatsoever, the prosecution as well as complainant shall be at liberty to move an application for seeking cancellation of bail.

12. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

13. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

14. Pending application(s), if any, shall stand disposed of.

**29.05.2026**

*Sumit Gusain*

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

**(VINOD S. BHARDWAJ)**  
**JUDGE**