

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:001725



218

CRM-M-35094-2025 (O&M)
Date of decision:12.01.2026

Ajit @ Mota

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prashant Lather, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.21, dated 03.02.2020, registered under Sections 307, 387, 506, 34 IPC (Section 25 of the Arms Act was deleted lateron), at Police Station Badli, District Jhajjar.

2. As per the allegations, on 03.02.2020, on receipt of a telephonic information at the police station that one Naresh @ Hanuman, resident of village Ladpur had been shot at by some unknown persons, a police party had reached at the spot, where the victim Naresh @ Hanuman submitted a written complaint alleging that on the night of 02.02.2020, he along with his friend Jogender was sitting in his *baithak* when he received a call from Mobile No.7662052530 and the caller while introducing himself as Ajit @

Mota i.e. the present petitioner demanded money from him and otherwise threatened to kill him. Complainant refused to give any money. Ten minutes thereafter, one youth reached outside the *baithak* and after calling him, fired 2-3 shots with a firearm upon him. The complainant had a narrow escape and fled from the spot. While on the way to his village, 2-3 persons, who were in a white coloured car again fired shots on him, thereby damaging his vehicle. The complainant again received a threatening call on his phone. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner was arrested in another case bearing FIR No.42, registered at Police Station Jhajjar on 11.02.2020. He suffered disclosure statement admitting his involvement in the crime. He was joined into investigation in this case and was formally arrested on 21.03.2021. Co-accused was also arrested. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 23.03.2021. The material witnesses i.e. the complainant and the eye witness Jogender already stand examined, therefore, there is no question of his intimidating the witnesses. The trial would take considerable time to conclude since 09 out of 21 witnesses have been examined so far. No one had sustained injuries in the incident. He is on bail in all other cases which are pending against him and has been acquitted in some of those cases. His continued detention would not serve any useful purpose. It is, therefore urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel that the petitioner is a habitual offender since as many as 12 cases have been registered against him. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner along with co-accused is alleged to have criminally intimidated the petitioner. He demanded ransom money from the complainant and made attempt to kill him by firing shots with pistol. He is in custody since 23.03.2021. There are no chances of the conclusion of trial in the near future as only 09 out of 21 witnesses have been examined so far. No one had sustained injuries in the incident. The complainant and the eye witness Jogender already stand examined. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. It is also well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts and circumstances, this petition is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal as well as surety bonds

to the extent of two sureties in the like amount each and further subject to the following conditions:

1. He shall appear before the concerned Police Station twice on the first Monday of every month and shall appear before the learned trial Court as and when directed.
2. He will not try to have contact with the complainant or other material witnesses through phone by himself or through any other person during the pendency of the case, so as to dissuade them.
3. He will appear before the learned trial Court on each and every date of hearing fixed before it except his presence is exempted by learned trial Court.
7. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

12.01.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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