



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-44101-2025
Decided on : 12.02.2026

KAUSHAL @ KOUSHALPetitioner
Versus
STATE OF HARYANARespondent
CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pawan Kumar Hooda, Advocate, for the petitioner.
Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kaushal alias Koushal, aged about 20 years	0629	16.12.2024	25(1-B)(a) of Arms Act, and Section 109(1), 221 of BNS (lateron added section 29 of Arms Act and section 221(2) of BNS)	City Panipat	Panipat

2. Learned counsel for the petitioner contends that, as per the allegations, when a police team comprising eight officials proceeded to arrest the petitioner, he resisted the arrest and attempted to flee. During this process, he allegedly took out a country-made pistol from his pocket



and fired a shot with the intention to kill ASI Raj Kumar, who was walking ahead of him.

3. Counsel for the petitioner submits that petitioner is a young man aged about 20 years and has been falsely implicated in the present case, by concocting a story of firing upon the police party. It is further argued that members of the police team themselves were armed with weapons, including pistols, a fact which has not even been mentioned in the FIR.

It is contended that, in fact, the shot was fired by a member of the police team, and incidentally, ASI Raj Kumar, who was part of the same team, sustained a firearm injury. Learned counsel, thus, disputes the prosecution version in its entirety.

4. Elaborating further, counsel submits that although, petitioner has been arrayed as an accused in seven other cases, as mentioned in paragraph No.9 of the present petition, but he has been granted bail in all those cases and has not been convicted in any of them, till date.

5. Additionally, it is argued that even assuming the prosecution version to be correct, had there been a clear intention to commit murder, the shot would have been aimed at a vital part of the body rather than the lower part of the leg. Therefore, it would be a matter for consideration during trial whether, in the absence of a specific intention to cause death, the provisions of Section 109 of the BNS would be attracted.

Moreover, petitioner is in custody since 19.12.2024, i.e., for a period of about 1 year, 1 month, and 23 days. Out of total 22



prosecution witnesses, none has been examined, so far. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

6. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 11.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 01 month and 23 days period inside jail.

7. Learned State counsel, while opposing the prayer and submissions advanced on behalf of the petitioner, submits that petitioner is directly involved in the present case. It is contended that the police officials, who are eye-witnesses to the occurrence, are yet to depose before the trial Court in support of the prosecution version.

However, learned State counsel is unable to dispute the factual position as pointed out by counsel for the petitioner with regard to the period of incarceration already undergone by the petitioner and present stage of the trial. Nonetheless, he prays for dismissal of the present petition.

8. This Court has heard the submissions addressed by learned counsel for the parties and has perused the record available before it.

9. No plausible explanation has been offered by the State in response to the argument raised on behalf of the petitioner as to how an intention to commit murder is to be inferred in the present case,



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particularly when the alleged firearm injury was caused on a non-vital part of the body, i.e. the lower portion of the leg.

10. Therefore, in view of the totality of the circumstances, nature of the allegations levelled against the petitioner, and the factors noticed here above, including the period of incarceration already undergone by the petitioner and the stage of the trial, which is likely to take considerable time to conclude, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

12.02.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO