

2026:PHHC:038025



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54306 of 2025

Himanshu ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	05.03.2026
2.	The date when the judgment is pronounced	12.03.2026
3.	The date when the judgment is uploaded on the website	12.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parveen Sharma, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Rahul Deswal, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short



“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
993	22.10.2022	Karnal Sadar, District Karnal	307, 326 and 34 of IPC and 25 of Arms Act, 1959 (For short “Act, 1959”) (302 and 120-B of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint submitted by the complainant Sumit on 22.10.2022 alleging therein that on the same day, he along with his uncle Sukhbir had gone to his village on the car driven by his uncle. When they reached near the house of a co-villager Mehar Singh at about 10:30 AM, they were intercepted by the accused Bhupender @ Bhuppi who was accompanied by three more persons. Accused Bhupender made an exhortation that Sukhbir should be done away. On apprehending danger, the complainant jumped out of the vehicle as soon as it was stopped. Within his sight, accused Bhupender fired a shot with some firearm upon his uncle. His accomplices also started firing shots continuously. Several persons rushed to the spot and then the assailants fled away. The injured uncle of the complainant was immediately rushed to the hospital in a precarious condition. By alleging that accused Bhupender who was inimical relations with his uncle had made an attempt to kill him, the complainant prayed for taking action. Initially, a case under Sections 307 and 326 of IPC read with Section 34 of IPC and Section 25 of Act, 1959 was registered. Investigation proceedings were initiated.

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3. As per the further allegations, the victim succumbed to his injuries and died on 24.10.2022. Offence under Section 302 of IPC was added. Postmortem examination of the dead body of victim was conducted. On 26.10.2022, the accused Bhupender @ Kala and the present petitioner who was present with him at the time of occurrence and were arrested in some other case, were joined into investigation of this case and suffered disclosure statements admitting their involvement in the crime. They got recovered two pistols, two phones and also disclosed the names of co-accused Aditya Kumar @ Pradhuman Rana. The petitioner got recovered one countrymade pistol 315 bore and two live rounds which were taken into possession by the police. The co-accused was subsequently arrested. Investigation qua the petitioner now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. Infact, he was not present at the time of occurrence. No specific overt act has been attributed to him. A false recovery has been planted upon him. He is in custody continuously since 26.10.2022. The trial will take considerable time to conclude. There is no material to connect him with the subject offences. The trial is not going to conclude shortly as only 14 out of 41 witnesses have been examined so far. The co-accused Vikram has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is also argued that though a pistol chambered for 7.65mm cartridges has allegedly been recovered from the petitioner but no fired cartridges or bullets by using

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this pistol, have been recovered from the spot thereby falsifying the story that the petitioner had used the same to kill the victim. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused to eliminate the victim Sukhbir Singh and in pursuance of that criminal conspiracy, he along with the co-accused is alleged to have intercepted the victim and to have fired multiple shots at him from a close range with intent to cause his death. One countrymade pistol .315 bore and two live cartridges were recovered at his instance. Though as per the FSL report, .315 fired cartridge and bullet as recovered from the spot had not been fired from the pistol so recovered from the petitioner, however, only on the basis of same, no conclusion can be drawn that the petitioner was not one of the assailant and had not used his firearm to kill the victim. The allegations against him are quite serious in nature. Fourteen witnesses stand examined. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC*



(SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242 and State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC). Taking into consideration the nature of the allegations levelled against the petitioner, this Court is of the considered opinion that merely on account of his extended custody, the petitioner does not deserve to be given benefit of regular bail. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12.03.2026
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(MANISHA BATRA)
JUDGE

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