



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

145

CRM-M-54660-2025 (O&M)

Date of decision: 27.03.2026

Amit @ Mitta

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. Balraj Gujjar, Advocate and
Mr. Pardeep Balyan, Advocate for the petitioner(s).

Mr. Tapan Masta, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.11 dated 06.01.2022, registered under Section(s) 302, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (later on Final Report dated 08.04.2022 was filed under Sections 201, 302, 34 and 120- B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959) at Police Station Shivaji Colony, District Rohtak.

2. FIR in the present case was registered on the complaint of Robin Singh. The relevant extract thereof is as under:

“xxxxxxxx by levelling allegations that he is running a business in the name and style of 'Brother Builders on Rohtak-Jhajjar Road near Water House, as there is one case going against me and Lokesh @ Gogi who is the co-accused, as around 8 months

back Lokesh @ Gogi had murdered the brother of Aakash @ Gitti in the Vaish College, Rohtak, therefore, on account of keeping grudge against me, today on dated 06.01.2022 at around 3:00 PM when my brother went outside the office for filling the Hookah then I heard the noise of bullet firing and when I went outside then I saw that Aakash @ Gitti son of Azad and petitioner herein were having pistols in their respective hands and then ran away in their vehicle Ford ECOSPORT but it was alleged that complainant had failed to recognize the other persons sitting inside the vehicle on account of black mirrors and upon receipt of the aforesaid complaint, the FIR in question has been got registered xxxxxxxx”.

3. Reply filed by way of affidavit dated 14.10.2025 on behalf of respondent-State is already available on file and the same is taken on record. Registry is directed to do the needful.

4. Learned counsel for the petitioner contends that as per the case set up by the prosecution, as many as five shots were fired resulting in death of Jagdev Singh and the complainant herein is the brother of the deceased. He contends that in the initial version, the complainant had nominated two persons i.e. Akash @ Giti son of Azad and Pankaj Budhwar @ Panku. It is contended that a supplementary statement of the complainant was recorded after nearly 5 days of the incident wherein he nominated six more persons as accused. It is submitted that the petitioner had been arrested by the Special Cell, Delhi Police in relation to case bearing FIR Nos.37 and 38 dated 14.02.2022 and his confession was recorded on the same day. He contends

that a pistol had been recovered by the Special Cell, Delhi Police in the said FIRs from the petitioner, however, the said weapon was not used in the present case and that there is no link evidence to establish the participation of the petitioner with the commission of offence in the present case. It is submitted that the petitioner has been in custody for the last more than 04 years and only 11 prosecution witnesses out of 57 have been examined so far, hence, the conclusion of trial shall take long time. It is also submitted that nearly 05 similarly placed co-accused, who were also nominated as accused in the supplementary statement of the complainant, have already been granted the concession of bail, of which order was passed on 24.08.2023 in CRM-M-54069-2022.

5. Learned counsel for respondent-State, however, contends that there is an incorrect narration of facts by the petitioner herein in as much as the supplementary statement had been recorded on 11.01.2022 i.e. on the 6th day of incident. He contends that FIRs No.37 and 38 had been registered by the Special Cell, Delhi Police on 14.02.2022 i.e. much later than the supplementary statement of the complainant. He, however, does not dispute that no recovery of any nature whatsoever has been effected from the petitioner in the present case and the weapon recovered by the Special Cell, Delhi Police in the abovesaid FIRs does not match with the empties recovered from the place of occurrence. The period of custody as well as the stage of trial are also not disputed by the learned State counsel.

6. Having heard the learned counsel for the parties and taking into consideration the facts and circumstances as noted above, including the nature of the allegations levelled against the petitioner, the arguable issues

with respect to the link evidence connecting the petitioner with the commission of instant offence, the nomination of the petitioner on the supplementary statement recorded on the 06th day of the incident, the absence of recovery in the present case coupled with the fact that similarly placed co-accused have already been granted the concession of bail, the stage of trial wherein only 11 out of the total 57 prosecution witnesses have been examined so far and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

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

9. 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.

(VINOD S. BHARDWAJ)
JUDGE

27.03.2026

Mangal Singh

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