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2026:PHHC:002584



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54754-2025

Amit Kumar

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: January 13, 2026

Date of Uploading: January 13, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Anil Ghangas, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.86 dated 04.03.2025, for the offence punishable under Section 25 of the Arms Act, 1959 (for short 'Arms Act'), under Sections 109(1), 115, 126, 190, 191(2), 191(3) & 351(3) of the BNS, 2023 (Sections 61, 238(b) of BNS added later on), registered at Police Station Sadar Hansi, Hisar, District Hisar.

2. The gravamen of allegations against the petitioner is that injured, namely, Pooja stated that on 03.03.2025, she, along with her sister Sonia, went on her scooty bearing registration No.HR-20AV-8538 to visit her son at the school. However, the school authorities informed her that

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Jassi's grandfather had instructed them not to allow anyone to meet the child. The school authorities thereafter contacted her father-in-law. After some time, her brother-in-law, namely, Manish arrived at the school, where a verbal altercation took place. Despite her requests, she was not allowed to meet her son. Shortly thereafter, outside the school premises, her husband, namely, Vikas, along with Gorkha Pandit, resident of Mill Gate, Hisar, and 2-3 other unknown persons, arrived. Two of them were riding a motorcycle, while Vikas and Gorkha Pandit were travelling in a black-coloured Scorpio vehicle. Apprehending danger, she made a call to the police at No.112. Her father-in-law Surajmal and brother-in-law Manish were also present outside the school.

At about 2:00 PM, when she and her sister were returning towards Hisar, they were followed by the motorcycle riders and the Scorpio vehicle. When they reached near a brick kiln, the motorcyclists intentionally hit their scooty from behind, causing her to fall on the road. Thereafter, Vikas, who was armed with a firearm, arrived at the spot, sat over her, and started firing gunshots. Her sister Sonia attempted to rescue her and narrowly escaped two gunshots; however, the third bullet struck her on the right arm near the shoulder, causing a firearm injury. Subsequently, Vikas stood up, and Manish and Gorkha Pandit also reached the spot. All of them started pelting stones at both sisters. During this assault, her sister Sonia sustained a head injury after being hit by a brick. Thereafter, Vikas threatened her with dire consequences and warned that she would be killed if she ever attempted to meet her son again. The accused persons forcibly took

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away their mobile phones, with which they had recorded videos of the incident. A passerby then helped them and took them to Sapra Hospital, Hisar, for medical treatment. The injured Pooja prayed for legal action against Vikas, Manish, Surajmal, Gorkha Pandit, and the two other unidentified persons, who, in furtherance of their common intention, assaulted them and caused firearm and other injuries.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 08.05.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question primarily on account of his being a friend of the main accused, namely, Vikas (husband of the injured), who has been attributed the FIR shot. Learned counsel has further argued that the petitioner is a young man aged 24 years with no criminal antecedents. Learned counsel has further argued that total 26 prosecution witnesses have been cited, but none has been examined till date. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 12.01.2026 and reply by way of an affidavit dated 01.12.2025, in the Court today, which are taken on record. Raising submissions in tandem with the said reply, learned State counsel has vehemently opposed the present petition by arguing that the allegations raised against the petitioner are direct/ serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

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6. The petitioner was arrested on 08.05.2025 whereinafter investigation was carried out and the challan has been presented on 28.05.2025. It is not in dispute before this Court that total 26 prosecution witnesses have been cited, out of which, none has been examined till date. It is thus, indubitable, that conclusion of the trial will take long time. The rival contention raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 12.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 08 months and 04 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

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- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 13, 2026
mahavir

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