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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.58907 of 2025
Date of Decision: 21.01.2026**

Mangal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhishek Sindhwani, Advocate,
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.58 dated 31.01.2024 registered under Sections 302, 34 and 120-B (added later on) of IPC and Section 25 of Arms Act, 1959 at Police Station Sector 8, District Faridabad.

2. As per the allegations, the victim Suraj Bhan had gone to a Gym on the evening of 30.01.2024 wherein he was shot at by some unknown assailants. On complaint of his wife Rajjo Devi, the aforementioned FIR was registered. Investigation proceedings were initiated. CCTV footage of the camera installed at the place of occurrence

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was collected and two youths were found opening indiscriminate firing upon the victim after alighting from a car. On the basis of statements subsequently recorded by the complainant and her son, two persons namely, Paramjeet and Nitin Narula were nominated as accused. Accused Paramjeet was arrested on 01.03.2024. He suffered disclosure statement on the basis of which the present petitioner and some other persons were nominated as additional accused. As per his disclosure statement, the petitioner was a member of gang of Kapil Sangwan @ Nandu. He had been given weapons which were supplied to co-accused Atul and were used in killing the victim. The petitioner was nominated as such and was arrested on 03.03.2024. He too suffered disclosure statement admitting his involvement in the crime. Investigation now stands completed. The previous petition as filed by the petitioner had been dismissed as being unpressed.

3. It is urged by learned counsel for the petitioner that the role attributed to the petitioner is very limited and distinguishable from the principal accused who has allegedly committed the act of actually shooting the victim. He was not named in the FIR. There is no eye witness or direct evidence linking him to procurement or supply of the arms. The entire prosecution case rests upon disclosure statement of the co-accused which is a weak type of evidence and cannot be considered to be admissible in evidence. His continued incarceration in absence of direct evidence would be in violation of Article 21 of the Constitution of India. The trial will take considerable time to conclude since so far only 01 out of 35 prosecution witnesses, has been examined. It is, thus, argued that he deserves to be

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released on bail.

4. Per contra, learned Deputy Advocate General, Haryana has vehemently opposed the petition and while relying upon the status report, it is argued that the petitioner was instrumental in supplying pistol and ammunitions which were used for commission of heinous offence involving cold blooded murder of the victim on 30.01.2024. The petitioner has criminal antecedents. The allegations against him are serious in nature. There are chances of his absconding, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The role attributed to the petitioner is limited to facilitating illegal procurement of firearm and supplying it to the main assailant and is distinct from principal homicidal act. He was not named in the FIR. The linkage sought to be established between the petitioner and act of supply of arms, primarily rests on disclosure statement of co-accused and circumstantial inferences. The role so attributed to him is that of a conduit or a facilitator in the purported procurement of arms which is distinct and remote offence from the direct commission of offence punishable under Section 302 of IPC. This Court is conscious that the provision is serious, however, in present purposes, the Court must test whether the material against the petitioner justifies continued pre trial incarceration bearing nature of evidence and the progress of the trial. Since the case against the petitioner rests on disclosure statement of the co-accused, this is a matter best left for trial whether the burden of proof and standard of evidence shall be applied



rigorously. The petitioner is in custody since 03.03.2024. In view of the foregoing discussion, particularly the limited role is prescribed to the petitioner, this Court is of the considered opinion that the continued detention of the petitioner would not serve the ends of justice. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and subject to the following conditions:-

- (i) he shall appear before the learned trial Court on each date of hearing unless exempted.
- (ii) he shall not tamper with evidence or attempt to influence witnesses in any manner.
- (iii) he shall not leave the country without prior permission of the Court.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.01.2026
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(MANISHA BATRA)
JUDGE

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