



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

132

CRM-M-60609-2025 (O&M)

Date of decision: 19.03.2026

Amit

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. Aditya Sanghi, Advocate and  
Mr. Pradeep Bhardwaj, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

**CRM-43121-2025**

Application is allowed as prayed for

**CRM-5417-2026**

This second application has been filed for seeking preponement of the date of hearing in the main petition.

Since the main case is listed for today itself, the instant application is disposed of as having been rendered infructuous.

**Main case:**

1. This second petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.439 dated 07.11.2020, registered

under Section(s) 302/120-B/34/420 of the Indian Penal Code, 1860 and Section 25/27 of the Arms Act, 1959 at Police Station Adampur, District Hisar. The earlier petition for grant of bail was withdrawn on 15.02.2025. The ground for moving the instant petition is that there has been an inordinate delay in the progress of the trial and despite the lapse of more than 1 year since the withdrawal of the earlier bail petition, only two prosecution witnesses have been examined thus far and there is no likelihood of the trial concluding within a reasonable time.

2. Status report filed by way of affidavit dated 09.12.2025 on behalf of respondent-State is already available on file and the same is taken on record.

3. Learned counsel for the petitioner contends that even though the allegations levelled in the present case are that the petitioner fired the fatal shot upon the deceased, Amit, son of the complainant Subhash Chandra, however, no weapon alleged to have been used in the commission of the offence has been recovered from the present petitioner. It is further submitted that, subsequently, a weapon was recovered by the investigating agency from a co-accused Anup, son of Ramswaroop and the prosecution itself has projected the said weapon as the one used in the commission of the offence. However, learned counsel submits that the said weapon was sent for forensic examination to the Forensic Science Laboratory, Madhuban, District Karnal (Haryana) and as per the report received therefrom, the 9 mm fired cartridges marked C/1 to C/3, allegedly recovered from the spot, could not be loaded or chambered in the country-made pistol marked W/1. He thus contends that the weapon recovered does not, in any manner, connect with

the alleged crime, thereby rendering the prosecution version doubtful and inconsistent. It is thus urged that the very foundation of the prosecution case, insofar as it relates to the use of a specific weapon in the commission of the offence, stands materially weakened. He, however, vehemently contends that the petitioner has already undergone an actual custody of more than 05 years and only 11 prosecution witnesses out of a total of 37 have been examined so far and the trial is proceeding at a slow pace with no likelihood of early conclusion. It is thus contended that the petitioner cannot be made to suffer prolonged incarceration for delays which are not attributable to him but are occasioned on account of the prosecution.

4. Learned counsel for respondent-State contends that the petitioner is not entitled to the concession of bail in view of his criminal antecedents and involvement in other cases, however, it is not disputed that in those cases, he is already on bail. It is further submitted that although the prosecution evidence had commenced, one of the co-accused came to be arrested at a subsequent stage, as a consequence whereof the trial had to recommence, resulting in delay in the progress of the proceedings. The period custody i.e. more than 05 year already undergone by the petitioner is also not disputed at this stage.

5. Without commenting any further on the merits of the case and taking into consideration the facts and circumstances as noted above, particularly the prolonged incarceration of the petitioner for a period exceeding 5 years, the delay occasioned on account of the trial having to commence de novo and the likelihood that the conclusion of the trial would take a considerable length of time, I deem it fit to allow the instant petition.

6. 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/Illaqa Magistrate concerned.

7. 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.

8. 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.

19.03.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)

JUDGE