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

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Date of Decision:-30.03.2026****NITIN SIROHI ALIAS NAITIK****.....PETITIONER****VS.****STATE OF HARYANA****.....RESPONDENT****CORAM:-HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Kunal Dawar, Senior Advocate with
Mr. Rohit Rana, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition under Section 483 BNSS (Section 439 Cr.P.C.) is for the grant of regular bail in case bearing FIR No.354 dated 18.11.2024 under Section 103 BNS registered at Police Station Sector 9-A, Gurugram, District Gurugram.

2. The present FIR came to be registered at the instance of Pradeep @ Sunny, which reads as under:-

“To, Sir SHO Sahib, Police Station Sector 16, Gurugram. Sir, I request that I am Pradeep alias Sunny son of Kailash Chand resident of House No. D-1092 Floor, Fateh Nagar, New Delhi and I work for e-commerce. My brother-in-law Arun Kumar Gandhi son of Shri Vinod Kumar Gandhi resident of Plot No. 1-89 Subhash Park, Uttam Nagar, Delhi, Sal Niwas T-16-4/103, Shri Ram Ji Apartment, Pawla Chowk, Shukar Bazar, Uttam Nagar, New Delhi has set up a salon named THE COSCET



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UNISEX SALOON, yesterday on the evening of 17.11.2024, my brother-in-law Arun Kumar Gandhi along with his friends Nikhil son of Satish Kumar, Mohammad Mosin son of Mohammad Mustafa and Sagar residents of Uttam Nagar, Delhi had gone to the wedding of Pankaj alias Pauyush son of Satish Kumar at the Community Centre near Talab village, Basai, District Gurugram. Today on 18.11.2024, I received information that my brother-in-law Arun Kumar Gandhi has died due to injuries sustained in a fight that took place during the wedding ceremony last night. He is in Civil Hospital Sector 10. On receiving this information, I reached Civil Hospital Sector 10 Gurugram where his companions Nikhil and Mohammad Mosin told me that during the wedding ceremony last night at around 01:00/01:30 AM, Arun had an altercation and scuffle with Nitin Sirohi alias Naitik alias Machhar, son of Rajbir Sirohi, resident of RZ T-64 Jain Colony Part-1, Uttam Nagar, Delhi. During this, Nitin Sirohi picked up a stone and hit Arun Kumar Gandhi on the temple region and as soon as the stone hit Arun Kumar Gandhi, he fell on the ground due to which Mohammad Mosin, Nikhil and Sagar took my brother-in-law Arun to Civil Hospital Sector 10 where the doctor declared my brother-in-law Arun Kumar Gandhi dead. I assure myself that my brother-in-law Abhay Kumar Gandhi has been murdered by Nitin Sirohi alias Naitik alias Machhar, son of Rajbir Sirohi, resident of RZ T-64 Jain Kusaloni Part- 1, Uttam Nagar, Delhi. I request that after finding out the truth of the case, legal action should be taken against Mini Sirohi alias Naitik alias Machhar and justice should be provided.”

3. The learned Senior counsel for the petitioner contends that the present occurrence took place on the spur of the moment without any premeditation at a marriage ceremony wherein both the petitioner and the

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deceased were under the influence of alcohol. Taking the allegations to be correct, one single injury has been inflicted with a stone taken from the spot during the occurrence itself. Two eye-witnesses, namely Mohd. Mosin/PW-1 and Nikhil/PW-2 have categorically stated that the stone blow was inflicted while grappling when the deceased was on top of the accused. As the petitioner is a first time offender, is in custody since 18.11.2024, but only 09 of the 17 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 28.03.2026, which is taken on record. While referring to the said reply, he contends that the petitioner is the prime accused having inflicted the injury on the person of the deceased. Therefore, he is not entitled to the concession of bail as prayed for. He, however, concedes that it is a case wherein the occurrence took place on the spur of the moment at a marriage function without any premeditation as also the fact that the petitioner is in custody since 18.11.2024 but only 09 of the 17 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. Whether the offence made out is one under Section 302 IPC (Section 106 BNS) or Section 304 IPC (Section 107 BNS) shall be adjudicated upon during the course of the Trial. As the petitioner is in custody since 18.11.2024 but only 09 of the 17 prosecution witnesses have



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been examined so far, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner, namely, Nitin Sirohi @ Naitik son of Rajbir Sirohi is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. This petition stands disposed of.

9. The pending application(s), if any, shall stand disposed of accordingly.

30.03.2026
Kusum

(JASJIT SINGH BEDI)
JUDGE

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