

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:007796



236

CRM-M-62614-2025 (O&M)

Date of decision:20.01.2026

Rohan Chauhan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parshant Sethi, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.224, dated 20.10.2023, registered under Sections 302, 34 IPC (offence under Section 201 IPC added lateron) and Section 25(1B)(A) of the Arms Act, at Police Station City Gurugram, District Gurugram.

2. The aforementioned FIR was registered on the basis of written complaint submitted by complainant – Suraj, alleging therein that on the evening of 19/20.10.2023, his nephew-Ashish had gone to watch Ramlila to Bhim Nagar, Gurugram. His friends Karan and Dheeraj were accompanied him. At about 12:30 A.M., he had received an information that Ashish had been injured. He had rushed to the hospital and had found the victim to be

dead. His friends Karan and Dheeraj were present there, who disclosed that a scuffle had taken place between the victim and accused Nishi and the present petitioner. Victim had sustained firearm injuries. He raised suspicion that the petitioner and co-accused Nishi had killed the victim. After registration of the FIR, investigation proceedings were initiated. Post mortem examination on the body of the victim was conducted. Accused Ansh was apprehended subsequently. The petitioner and co-accused were arrested. They were interrogated and suffered disclosure statement, admitting their involvement in the crime. Accused Nishi got recovered a country made pistol used by him for causing death of the victim. He was taken into custody. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over 02 years and 03 months. No specific overt act or injury has been attributed to him. The death of the victim was caused by a firearm injury, which had been inflicted upon his person by co-accused Nishi and not himself as deposed by the complainant. The petitioner had reached at the spot 15 minutes after they had reached there. Therefore, there are no chances of his participating in the occurrence. The trial will take considerable time to conclude as only 04 out of 24 witnesses have been examined so far. He was simply a bystander on the spot. His continued detention would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

4 Status report and custody certificate have been filed. It is argued

by learned State counsel that there are serious and specific allegations against the petitioner, who was an active participant in the occurrence. There are chances of his intimidating the remaining witnesses or absconding, if extended benefit of bail. Eye witness Dheeraj has supported the prosecution version. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard rival submissions made by both the parties.

6. The petitioner in connivance with the co-accused is alleged to have caused the homicidal death of the victim. As per the prosecution version, accused Nishi had fired shots upon the victim, thereby causing his death. Though, he is also alleged to have been present at the spot and as per the allegations, had fled away along with the co-accused. However, no specific overt act has been attributed to him. Learned counsel for the petitioner has drawn the attention of this Court to that part of the sworn deposition of PW3 Dheeraj, who was an eye witness, in which he is shown to have stated that the petitioner had reached at the spot 15 minutes after the scuffle had taken place between the victim and the co-accused, meaning thereby that the petitioner had made an active participation in the occurrence, is a debatable question, which can be considered on the basis of thorough assessment of the evidence to be produced during trial and not at this stage. Petitioner is in incarceration for over a period of 02 years and 03 months. Given the nature of the allegations as levelled against the petitioner and keeping in view of the circumstances as discussed above, this court is of the considered opinion that the petitioner has made out a case for his release

on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to the material witness i.e. PW Karan during the course of the trial.

(ii) he shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.
9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

20.01.2026

harjeet

(MANISHA BATRA)
JUDGE

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