

2026:PHHC:015215



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231

CRM-M No.66658 of 2025
Date of Decision: 02.02.2026

Mohit Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Saini, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
376	14.06.2025	Shahabad, District Kurukshetra	103(1), 3(5), 61, 61(2), 111(2)(a), 111(2)(b), 111(3), 111(5), 238 and 253 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of

2026:PHHC:015215



this petition are that the aforementioned FIR has been registered on the basis of complaint submitted by the complainant Prince alleging that he was working as a driver with the liquor contractor Shantanu from the last one month. On the evening of 13.06.2025, he along with Aniket, another employee of the liquor vend and Shantanu was going towards Shahbad. He had stopped his vehicle at Meena Market Shahbad on asking of Shantanu. The latter had alighted from the vehicle and was proceeding towards a shop to buy cigarette, when suddenly two youths reached from behind on a motorbike and one of them started firing shots upon him. Seeing them, the complainant hit both of them with his vehicle due to which the assailants also sustained injuries and fled while leaving their motorbike at the spot. The injured Shantanu was rushed to hospital who succumbed to the injuries and died. After registration of FIR, investigation proceedings were initiated.

3. As per the further allegations, on 14.06.2025, a post was posted on Instagram App of one Noni Rana gang thereby taking responsibility for murder of the victim Shantanu. The accused Shubham Khurana, Baljinder, Sujal, Abhishek Tukral, Prabhjot, Ikshan Mehta, Deepender Pal @ Kirat and Mohit Kumar i.e. the present petitioner were arrested. The petitioner was arrested on 26.06.2025. Some more accused were also arrested. The petitioner, on interrogation suffered a disclosure statement to the effect that on asking of accused Deepender Pal, he had changed the colour of a stolen motorbike and prepared two number plates of fake numbers for the purpose of that motorbike. He also disclosed that bike and fake number plates were

2026:PHHC:015215



handed over by him to some youths who were sent by the co-accused and had received an amount of Rs.1600/- in lieu thereof. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he was not named in the FIR. He has been falsely implicated in this case on the basis of disclosure statement of co-accused Deepender Pal which cannot be considered to be admissible in evidence qua him. He is in custody since 26.06.2025. Charges have not been framed. Eighty cited prosecution witnesses are yet to be examined. There are no chances of conclusion of trial in near future. The co-accused Sachin Kumar has been extended benefit of bail. He was neither present at the time of murder of the victim nor any specific overt act has been attributed to him. No recovery has been effected from him. His antecedents are clean. He has a permanent abode. There are no chances of his absconding. It is, therefore, argued that he deserves to be extended benefit of bail.

5. Status report and custody certificate have been filed. Learned Assistant Advocate General, Haryana has argued that the petitioner by being a part of the conspiracy hatched by the co-accused, had changed the colour of the motorbike used at the time of occurrence by the assailants and had affixed false number plates upon it. He is a member of organized criminal gang. There are chances of absconding or influencing the witnesses, if extended benefit of bail. Accused Badalheer, Anil Kumar and Surya Partap alias Noni Rana are yet to be arrested. It is, hence stressed that the petition

2026:PHHC:015215



does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. As per the allegations, the petitioner by becoming a part of the conspiracy hatched by co-accused changed the colour of a motorbike and also prepared two false number plates in the greed of money supplied the same to the co-accused so as to facilitate commission of offence of murder of the victim by the co-accused. It is not the version of the prosecution that he was one of the assailants or was present at the time of occurrence. It is only on thorough assessment of the evidence to be produced during trial that any definite conclusion as to the complicity of the petitioner in the commission of subject offences can be drawn. It is also a matter of trial as to whether the petitioner was a member of organized gang or not? The petitioner is in custody since 26.06.2025. He is not required for further investigation. Since even charges have not been framed, therefore, obviously, the trial is not likely to be concluded and will take considerable time. Taking into consideration the above discussed facts, this Court is of the considered opinion that the further incarceration of petitioner is not going to serve any useful purpose. As such, the petitioner has made out a case for release on bail. Pre trial incarceration of accused even otherwise should not be a replica of post conviction sentencing. In view of this discussion, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.



8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

02.02.2026
manju

(MANISHA BATRA)
JUDGE

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