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

140

CRA-S-3700-2025

Date of decision: 19th February, 2026

Naseeb

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Samay Sandhawalia, Advocate for the appellant.

Ms. Himani Arora, Deputy Advocate General, Haryana.

Mr. Rajesh Sharma, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant appeal has been filed by the appellant challenging the order dated 11.11.2025(wrongly mentioned as 17.03.2024) passed by the Court of learned Additional Sessions Judge, Rohtak whereby an application filed by the appellant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case arising out of FIR No. 256 dated 01.10.2023 registered under Sections 302, 307, 509, 120-B and 34 of IPC and 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') and Sections 25 and 29 of Arms Act, 1959 at Police Station Lakhan Majra, Rohtak, had been dismissed.

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2. The aforementioned FIR was registered on the basis of a complaint lodged by the respondent No.2- complainant Sahil, alleging therein that in the morning of 01.10.2023, the accused Karambir, who was under the influence of liquor, had hurled abuses to his grandmother. His father Shishpal tried to prevail good sense upon the said Karambir but while extending threats, he had left. On the same day, when his father was present in the living room of Ram Kumar, accused Karambir reached there and the appellant along with co-accused also reached there on a motor bike. They entered inside the room of Ram Kumar and opened fire upon father of the respondent No.2- Shishpal due to which, he sustained firearm injury and was badly injured. He was rushed to hospital. Initially, a case under Sections 307 read with Section 34 of IPC, Section 3(2)(v)(a) of SC/ST Act and Section 25 of Arms Act, 1959 was registered. During the course of investigation, the victim succumbed to his injuries. Offence under Section 302 of IPC was added. The appellant and accused Pardeep were arrested on 05.10.2023. Accused Pardeep got recovered a pistol, whereas, the appellant got recovered the motor bike used at the time of occurrence and also demarcated the place of occurrence. Investigation now stands concluded. The appellant had filed an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Rohtak vide order dated 11.11.2025.

3. It is argued by learned counsel for the appellant that the impugned order dated 11.11.2025 is not sustainable in the eyes of law. While passing the same, the learned Additional Sessions Judge ignored the fact that

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neither any motive to kill the victim nor any specific overt act has been attributed to him. No recovery has been effected from him. The firearm was used by the co-accused Pardeep and it was recovered from him only. He is in custody since long. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. While passing the impugned order, the learned trial Court did not take all these facts into consideration. It is, thus, argued that the impugned order is liable to be set aside, appeal deserves to be allowed and the appellant deserves to be released on bail.

4. Written response and custody certificate have been filed by respondent No.1-State. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that the allegations against the appellant are serious in nature. He was an active participant in the occurrence as he had reached at the spot of occurrence along with co-accused Pardeep, had made exhortation to kill the victim and when after firing of two shots, the co-accused Pardeep was leaving place of occurrence, he had instigated him to fire more shots. It is argued that he had instigated the accused Pardeep to fire more shots so that the victim could not escape and then the co-accused had fired four more shots upon the victim. It is, argued that appellant had common intention with the co-accused to kill the victim. His presence at the spot stands established. The learned trial Court while passing the impugned order took all these facts into consideration. There is no illegality or infirmity in the

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impugned order. Therefore, it is, argued that the appeal does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The allegations against the appellant are that on 01.10.2023, he along with the co-accused Pardeep had reached at the spot of occurrence where the victim was present, had caused firearm injuries to the victim which resulted in his death. The appellant might not have used the firearm individually at that time but as per the allegations, it was he who was active participant in the occurrence and had made exhortations to kill the victim and not to spare him. The allegations levelled against him prima facie prove his complicity in the offence of murder of the victim in furtherance of his common intention with the co-accused. The present appeal has been filed by the appellant seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the gravity of the allegations against the appellant, quantum of sentence which the conviction may entail and the

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attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the order passed by the learned trial Court does not deserve any interference. Accordingly, the same is upheld and the appeal is dismissed.

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

8. Since the main appeal has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th February, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |