



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

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**CRM-M No.73350 of 2025
Date of decision : 12.1.2026
Date of uploading : 13.1.2026**

Rijvan**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Balvinder Sangwan, Advocate, for the petitioner
(through VC)

Mr. Deepak Grewal, DAG, Haryana

Mr. Pushp Jain, Advocate and
Mr. P.K. Jajbera, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.93 dated 4.8.2025 under Sections 351(2), 191(3), 191(2), 190, 109(1) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Tigaon, Faridabad.
2. The gravamen of allegations against the petitioner is that complainant, namely Manish Kaushik, who was employed in Noida, Uttar Pradesh stated that about three years ago, he and his younger brother, namely, Shrikant used to visit a gym owned by Gaurav, for regular



exercise. During that period, a dispute arose between Gaurav and Pradeep, another gym member, following which both stopped interacting with each other. Subsequently, Pradeep became friends with the complainant and his brother Shrikant, and often stayed with them. Thereafter, the complainant and his brother discontinued visiting Gaurav's gym.

2.1 On 03.08.2025, being the complainant's birthday, at about 11:50 p.m., the complainant along with his brother-Shrikant, and friends-Abhishek, Sumit, and Pradeep, went to *Saini Dhaba*, situated in village Atali, to celebrate and have dinner. Suddenly, Ankit, Gajender, Tiger, and 2-3 other boys arrived at the *dhaba* and attacked Pradeep over his previous rivalry with Gaurav, while hurling abuses. The complainant and his companions tried to pacify them and made it clear that they were not interested in any confrontation. Thereafter, they returned to their home in village Junheda on their motorcycles.

2.2 Soon after, Gaurav called the complainant on his mobile phone, abused him, and threatened him with dire consequences, stating that he would shortly reach his house. Frightened, the complainant called his friends-Akshay Adhana and Lalit to come to his place. At about 12:40 a.m., the complainant heard some noise outside his house. When he, along with his brothers and friends, stepped outside, they noticed a Scorpio, a Hyundai Aura, and a Swift car parked at some distance. Standing on the road were Gaurav, Ankit, Dinesh, Kishan, Nidhang, Rizwan, Rizwan's brother-in-law, and 2-3 other persons. Gaurav and 2-3 others were armed with firearms, while the remaining were carrying *dandas* (sticks). On



seeing the complainant and Pradeep, Gaurav provoked his associates, instructing them not to spare them that night. Immediately thereafter, Gaurav and his armed companions opened fire upon the complainant, his brother Shrikant, and friend Pradeep with the intent to kill. They narrowly escaped by lying down on the ground and rushed back inside their house. Subsequently, they informed the police, upon which the accused persons fled the scene, while issuing further threats to kill.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 7.11.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the role ascribed to the petitioner is that of having a pistol and stated to have fire the same but has not hit anybody. Learned counsel has argued that even the fire shot which is attributed to co-accused has not hit anybody. Learned counsel has further submitted that the offence under Section 109 of BNS is not made out against the petitioner from the factual *milieu* of the case. Learned counsel has further submitted that a settlement has been arrived at between the parties with the intervention of respectable and elders. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 10.1.2026



in Court, which is taken on record.

4.1 Learned counsel for the complainant has filed his memo of appearance, which is taken on record, and ratified the aspect of the matter having been settled between the parties.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 7.11.2025 wherein after investigation was carried out and challan stands presented on 28.9.2025. Total 21 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 10.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 5 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds



to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

12.1.2026
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