



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-1438-2026 (O&M)

Date of decision: 17.02.2026

Mohit Awasthi

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Suhail Khan, Advocate and
Ms. Sanya Kapoor, Advocate for the petitioner(s).

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

Ms. Gagandeep Kaur, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.92 dated 05.05.2025, registered under Section(s) 118(2), 115, 190, 191 (3) [(Sections 190(3), 109(1), 324(4) added later on] of the Bharatiya Nyaya Sanhita, 2023 at Police Station Faridabad NIT, Faridabad.

2. Memorandum of appearance on behalf of the complainant has been filed today in the Court and the same is taken on record.

3. FIR in the present case was registered on the statement of Harjinder Singh and the same reads as under:-

*"I respectfully state that my name is Harjinder Singh son
of Shri Nihal, resident of house number 119 Nishan Hut NH-5.*

Today morning on 5 May 2025 at around 3:18 AM, I received a

call from my son's acquaintance Navneet Ahuja, who told me that my son Jagnur Singh has been injured and they have brought him to Fortis Hospital at Neelam Chowk. After some time, I reached the hospital and asked about my son. then I came to know that he was attacked with a knife. My son's friends Suraj Singh son of Tulsi Singh resident V 76 Inder Colony Sector 21B Faridabad and Navjeet Ahuja house number 112 41H floor number 401 Nishan Hut 5 told me that Sahil Bhadana alias Banni Bhadana resident village Pali has carried out this act along with his friends. Currently my son is in ICU and has also undergone operation. I request that strict action be taken against the guilty. When my son's condition improves, he will record the full statement. There were 8-10 boys with the guilty. Please register complaint on my statement and take appropriate action.”.

4. Learned counsel for the petitioner contends that the petitioner was initially not named in the FIR and his name cropped up in the statement of an alleged eye-witness recorded nearly 1 ½ months after the incident. He contends that the petitioner was taken in custody on 11.05.2025 and no recovery of any nature whatsoever has been effected from him. It is further argued that the case of the prosecution places heavy reliance on the CCTV footage, however, it is evident from a perusal of the order passed by the Additional Sessions Judge that no such CCTV footage was placed on record before the Additional Sessions Judge while adjudication of the petitioner's bail application. He vehemently argues that the petitioner has no criminal

antecedents and that notwithstanding the alleged eye witness specifically naming the petitioner, yet, no test identification parade was ever conducted to verify the same.

5. Counsel further contends that the petitioner has already undergone an actual custody of nearly 10 months and that the trial is yet to commence. He submits that 19 prosecution witnesses are to be examined, hence, conclusion of the trial shall take a long time. It is contended that case of the petitioner would be distinguishable from the other co-accused from whose possession recovery of a knife has been effected and they have specifically been attributed stab wounds.

6. Learned counsel for respondent-State does not dispute the aforesaid factual aspects pointed out by the counsel for the petitioner.

7. Counsel for the complainant vehemently contends that the eye-witness/Suraj specifically named the petitioner in his statement and that he had caused stab injuries to the injured/Jagnoor Singh. She further contends that as many as 15 injuries were caused and that the bail application of other co-accused have already been dismissed by the trial Court. She, however, is not in a position to dispute that no recovery of any weapon used in the occurrence has been effected from the petitioner and that no test identification parade was conducted to establish his identity.

8. Further, the clean antecedents of the petitioner, the stage of trial and the period of custody already undergone by him remain uncontroverted.

9. Having heard the learned counsel for the parties and taking into consideration the period of actual custody already undergone by the petitioner, his clean antecedents, lack of recovery to link him with the

commission of offence, coupled with the stage of the trial, which is likely to take along time to conclude and further bearing in mind that arguable issues would arise with respect to establishing his identity, which would be determined by the trial Court during the course of trial, I deem it fit to allow the instant petition.

10. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

11. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

17.02.2026

Mangal Singh

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