

CRM-M-80-2026
CRM-M-1354-2026
CRM-M-6760-2026

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2026.PHHC.055201



211+212+215 (03 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-80-2026

Amit @ KaliPetitioner

versus

State of Haryana Respondent

2. CRM-M-1354-2026

Mohit NagarPetitioner

versus

State of Haryana Respondent

3. CRM-M-6760-2026

MayankPetitioner

versus

State of Haryana Respondent

Date of decision : 09.04.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhimanyu Singh, Advocate and
Ms. Komal Rana, Advocate (in CRM-M-80-2026)
Mr. Suresh Ahlawat, Advocate (in CRM-M-1354-2026) and
Mr. Aazam Khan, Advocate (in CRM-M-6760-2026)
for the petitioner(s).

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of
abovesaid three petitions as they have arisen out of the same FIR.



2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.109 dated 22.02.2023, under Sections 302, 34 & 506 of IPC and Section 25(1-B)(a) of Arms Act (Sections 201, 212 & 120-B of IPC added later on), registered at Police Station Sector-10, Gurugram.

3. As per the facts of the present case, the present FIR has been registered on the statement of complainant, namely, Neetu. It was alleged that on 21.02.2023, her husband, namely, Rahul was returning in his car towards his rental accommodation at about 9.45 PM and the complainant along with her sister-in-law was present inside their room. In the meantime, when they came outside, they saw that three unknown persons had come on a motorcycle and were continuously firing shots upon her husband and due to the fire arm injuries he fell down on the street itself. It was alleged that when they raised hue and cry, the said three persons went towards Hawa Mahal, Saraswati Enclave and while leaving they said in case anybody chases them, they would kill him. It was alleged that complainant's sister-in-law, namely, Surajmukhi had informed the Police regarding the incident. Thereafter, they got Rahul admitted at Civil Hospital, Gurugram, where he was declared dead. She has further stated that she can identify the said three unknown persons who have killed her husband and has prayed for taking legal action against the accused. On registration of FIR, investigation commenced. During investigation, complicity of the petitioners, namely, Amit @ Kali (in CRM-M-80-2026), Mohit Nagar (in CRM-M-1354-2026) and Mayank (in CRM-M-6760-2026) surfaced and thus, all three petitioners were arrested on 26.02.2023.

Petitioners approached the learned Additional Sessions Judge, Gurugram,



praying for grant of bail, however, finding no merit, the same were declined after hearing both the sides by Learned trial Court vide orders dated 11.08.2025, 16.12.2025 and 20.09.2025, respectively. Aggrieved by the same, petitioners are before this Court praying for grant of bail by way of filing of present petitions.

4. Learned counsel for the petitioners have contended that the petitioners have been falsely and frivolously implicated in the present case. It is submitted that the alleged occurrence had taken place on 21.02.2023 at about 9:45 pm. It is submitted that the FIR in the present case has been registered by the wife of the deceased, namely, Neetu, who was allegedly the eye-witness in the prosecution case. It is contended that the complainant i.e. wife of the deceased was examined before the trial Court as PW-5 and she has not supported the case of the prosecution. It is submitted that the complainant in the FIR had alleged that if the assailants were brought before her, she could identify them but when the petitioners were produced before her, she failed to identify them and thus, she has been declared hostile. It is submitted that the material witness in the present case has not supported the case of the prosecution and the petitioners are roped in the present case on the basis of alleged recovery of the weapons which are nothing but the planted recoveries upon the petitioners. It is submitted that the deceased himself faced criminal trial and there are every chances that he could have been eliminated by anyone else. It is submitted that the material witness already stands examined and the petitioners are behind bars from last more than 03 years thus, they deserve the concession of the bail.

5. Learned counsel for petitioner-Mohit Nagar, submits that the



petitioner has no criminal antecedents and the recovery alleged against him, is a planted one. Learned counsel for petitioner-Mayank has also argued on the same line.

6. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve to be granted bail.

7. Status report by way of affidavit of Mr. Sukhbir, HPS, Assistant Commissioner of Police, West, Gurugram has been filed on behalf of respondent-State in the Court today, same is taken on record.

8. Learned State counsel has vehemently opposed the submissions made by the counsel for the petitioners and submits that the case of the prosecution is not only based on the eye-witness account but there are corroborating evidence in the shape of the recovery of weapons; locations of the petitioners at the relevant time of occurrence and their call details. It is submitted that the deceased was convicted in a murder trial for the murder of father of petitioner-Amit and thus, petitioner-Amit @ Kali had a strong motive behind the occurrence. It is submitted that though the eye-witness has been declared hostile, however, the case of the prosecution is supported by the other evidences. He, on instructions, has submitted that out of total 49 prosecution witnesses, only 10 witnesses have been examined so far. He has produced the custody certificates of the petitioners on record.

9. On hearing counsel for the parties and perusing the record, it is deciphered that the author of the FIR in the present case is the wife of the deceased, however, during her examination before the trial Court, she was examined as PW-5 and she had not supported the case of the prosecution. The other evidences relied upon by the prosecution are the



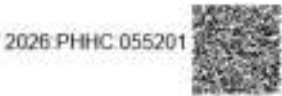
corroborated evidences. It is an admitted fact that the deceased was convicted for the murder of petitioner-Amit's father. As per custody certificate, petitioners have suffered an incarceration of more than 03 years. It further reflects that petitioner-Amit is involved in 05 more cases, however, in 02 cases he is on bail and in 02 cases, he has been acquitted. Petitioners-Mohit Nagar and Mayank, are also in involved in one more case each, however, petitioner-Mayank is on bail in the said case. It is apparent that the material witness already stand examined. Needless to say that every accused has the fundamental right of speedy trial.

10. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

11. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

"Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice."

12. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**', has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.



13. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14. In case the bail bonds are not furnished by petitioners, Amit and Mohit Nagar, during the period of 07 days from today, then their further custody period after one week will not be counted in the present case.

09.04.2026
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(RAJESH BHARDWAJ)
JUDGE

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