



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

CRM-M-42368-2025

Date of Decision: 22.08.2025

Manish Kumar @ Maniand another

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Sanyam Khetarpal, Advocate, for the petitioners.
Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioners have approached by way of filing the present petition praying for grant of regular bail in case FIR No.256 dated 07.10.2024 under Sections 109/308(5)/61(2)/324(4)/111/249/253 of BNS, 2023 and Sections 25/54/59 of Arms Act, 1959, registered at Police Station City Kapurthala, District Kapurthala.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Naresh Malhotra @ Tinu. It was alleged that on 07.10.2024 at about 9:50 A.M., when the complainant was present at the showroom, two young boys wearing masks came from outside and they gave one slip, on which Kaushal Chaudhary Group Sorav Gadoli was written, to his employee, namely, Vikas Katoch, who was standing outside the showroom. They started firing bullets towards showroom, due to which the main door was completely broken and the bullets hit the mirrors and LCD as well. Thereafter, both the boys escaped on their Splendor motorcycle. This incident was witnessed by the employees



of his showroom, Vikas Katoch, Rinku and Navjot. While running from there, they threw one slip on which it was mentioned that the firing was done by Sorav Gadoli, by sending goons to extort money. Request was made to take legal action against the culprits. On registration of FIR, investigation commenced. During investigation, on the disclosure statement of co-accused, complicity of the petitioners. Thus, they were also arrayed as accused and resultantly, arrested on 25.10.2024. They approached the Court of learned Additional Sessions Judge, Kapurthala, praying for grant of bail, however, finding no merit, the same was declined vide order dated 18.02.2025. Aggrieved by the same, the petitioners are before this Court praying for grant of bail by way of filing of present petition.

3. It has been vehemently contended by learned Senior Counsel for the petitioners that the petitioners have been falsely implicated in the present case on the disclosure statement of co-accused Bhupinder Singh @ Bhupi Rana. He submits that surprisingly the said co-accused was declared innocent by the police, however, the petitioners have been nominated in the present case on his disclosure statement only. He submits that as per the case of the prosecution, firing took place in the shop of the complainant by two persons, who were with muffled faces. He submits that there is no credible evidence regarding the identity of both the petitioners. He submits that while the petitioners were behind bars, they have been implicated in one more case on the similar allegations. He further submits that even there is no direct or indirect evidence to connect the petitioners with commission of alleged crime. It is submitted that in the facts and circumstances of the case, no *prima facie* case as alleged is made out against the petitioners, thus, they



deserve to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that during investigation, complicity of the petitioners was duly established. He submits that the investigation in the present case is complete. He has placed on record the custody certificates of the petitioners.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since 25.10.2024. The custody certificates of the petitioners would show that they have suffered incarceration of 09 months & 18 days as on 21.08.2025. It further reveals that the petitioners are involved in other cases, however, those cases, have been registered when the petitioners were behind the bars.

6. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeeds in making out a case for grant of regular bail to the petitioners.

7. Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioners do not furnish bail/surety bonds within a period of one week from today, their custody will

2025:PHHC:110894



CRM-M-42368-2025

-4-

not be counted in the present case after one week.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.08.2025

sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE