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(211)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision: 20.08.2025

PIYUSH YADAV

... Appellant

Versus

STATE OF HARYANA & ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mandeep Nehra, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Namit Khurana, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The present appeal has been preferred against the judgment dated 10.03.2025 passed by the Addl. Sessions Judge, Yamuna Nagar at Jagadhri in case bearing FIR No.164 dated 16.04.2022 registered under Sections 148, 149, 302, 323, 506, 379-B, 120-B, 201 IPC, Section 25 of Arms Act and Section 3 of SC/ST Act at Police Station 17, HUDA, Jagadhri, dismissing the bail petition of the appellant.

2. The present FIR came to be registered at the instance of Mohit Sharma S/o Late Vijay Sharma and the same reads as under:-

“Copy of statement, Statement of Mohit Sharma Son of Late Vijay Sharma Presently Residing at House No. 251, Vishwakarma Mohalla, Yamunanagar, Aged 23 Years. Stated that I am the undersigned, am a resident of the above- mentioned address and work as a Salesman. On 15.04.2022, I came to Yamunanagar from Ludhiana, Punjab, to attend my sister's wedding. On the

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same date, I, along with my friends namely Janu, Bobby, Akash @ Shanu, Bittu, and Rajat, boarded on Janu's car Safari, bearing registration number HR02AF-5000 to attend the wedding of our friend Ronak Kalra. We left from Janu's house around 9:30 PM to attend the wedding at Vintage Grill Palace, Jagadhri. At approximately 12:45 AM, after attending the wedding, we were about to leave. Just as we stepped out of the gate of Vintage Grill and were about to sit in the car, suddenly, around 15 to 20 individuals approached us, each carrying revolvers and country-made pistols. They shouted, declaring that they intended to kill Janu that night. Without any warning, they opened fire with their weapons. I was able to recognize some of the attackers, including Manoj @ Shanti, resident of Bhatia Nagar, Sachin Pandit resident of Sudel and Sumit resident of Unhedi. I can also identify the others if they brought in front of me. One of them shot me in my left leg, while another unidentified individual fired another bullet, which also hit my left leg. A third person fired another shot at my left leg. Meanwhile, the attackers were shouting, hurling caste-based slurs at Janu "Where will you escape now? You survived us before, but today we will kill you." They surrounded Janu and shot him multiple times in the stomach and other parts of his body. I fell to the ground, and the assailants, believing me to be dead, turned their assault towards my others. Rajat Kaushal son of Amit resident near City Center Road, Yamunanagar, also sustained injuries in this attack. Additionally, another person, whom they referred to as Anmol was also shot. Janu collapsed on the spot and lost consciousness. As soon as the guests from the wedding noticed the commotion, they raised an alarm. At that moment, Sachin Pandit and the other attackers fled from the spot of occurrence, firing shots while escaping. They threatened that whoever survived that night would be killed later. The guests at the wedding took us to Gaba Hospital for medical treatment. Unfortunately, due to the gunshot wounds sustained during the incident, Janu succumbed to his injuries and passed away. I



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hereby request legal action against Sachin Pandit and approximately 15-16 of his accomplices involved in this attack. I have recorded my statement at Gaba Hospital during treatment, and after reading it, I confirm that it is correct. Sd/- Mohit Sharma.”

3. The learned counsel for the appellant contends that the complainant-Mohit Sharma has not supported the prosecution case. One Vinod Kumar was examined as PW8 and while referring to the petitioner has not attributed any specific injury to him. As the appellant is in custody since 28.08.2022 but only 44 of the 54 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel along with the learned counsel for the complainant contend that though the appellant was not named in the FIR, he was named in the disclosure statement of the arrested accused as also later during the course of the trial in the deposition of PW8-Vinod Kumar alias Bobby. On his arrest, an iron rod has been recovered from him. Therefore, the appellant is not entitled to the concession of bail. They, however, concede that the appellant is in custody since 28.08.2022 but only 44 of the 54 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the appellant and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the appellant is in custody since 28.08.2022 but only 44 of the



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54 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the appellant is not required moreso when some co-accused have also been granted the said concession of bail.

7. Thus without commenting on the merits of the case, the present appeal is allowed and appellant-Piyush Yadav S/o Shri Kailash Parsad is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. If the appellant or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

9. In addition the appellant (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the appellant from trial without sufficient cause.

10. The appeal stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.08.2025

JITESH

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