



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-38650-2024

Reserved on: 21<sup>st</sup> May, 2025

Pronounced on: 23<sup>rd</sup> May, 2025

Hitesh @ Harvir @ Hitesh Kuntal

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

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**MANISHA BATRA, J :-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 84 dated 29.02.2024 registered under Sections 114, 120-B, 307, 341, 506 and 34 of IPC and Section 27 of Arms Act, 1959 (Sections 114, 120-B and 34 of IPC deleted later on) at Police Station Hodal, District Palwal.

2. Adumbrated facts as emanating from the record are that on 27.02.2024, the complainant Bir Singh and his brother Virender were going towards Hodal Gas Agency, for getting gas cylinder refilled. When they were passing through the village pond, the petitioner, who was riding a bike intercepted them by bringing his vehicle in front of their tractor. He started hurling abuses to the complainant and his brother and also proclaimed that he would eliminate them, thereafter, he left. When the complainant and his brother reached near paddy mill, the petitioner was found standing there



along with his nephew Sumit. They again caused obstruction in the way of the complainant by stopping their motorbike in front of the tractor of the complainant. At the same time, accused Desraj and Virender reached there. Accused Desraj made an exhortation to kill the complainant and his brother and accused Gabbar opened an assault upon them with a sword. Thereafter, accused Harvir took out a pistol and opened fire with the same thereby injuring left leg of his brother. The assailants then fled away while extending threats to kill them. The petitioner also proclaimed that they had assaulted them on asking of Dinesh resident of Bulwana and Ankit resident of Karman. On the basis of complaint so lodged, the aforementioned FIR was registered. Investigation proceedings were initiated.

3. As per the further allegations, the petitioner was arrested on 17.04.2024. He suffered disclosure statement and in pursuance thereof, got recovered the pistol used at the time of crime and also identified the place of occurrence. Some of the persons named as assailants were found to be innocent and their names were kept in column No.2 of the challan report. Offences under Sections 114, 34 and 120-B of IPC were added. Presently, the petitioner is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. There is delay of two days in lodging the FIR, which has created a serious doubt about the veracity of the prosecution version especially in view of the fact that other co-accused named by the complainant have been found to be innocent and have not been arrested and challaned. The injury sustained by the victim was on non-vital part of his body. He is in custody since long. Trial would take considerable time to conclude. His further



incarceration would not serve any useful purpose. He has clean antecedents.

It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed by respondent-State. Learned Deputy Advocate General, Haryana has argued that there are serious allegations against the petitioner. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner is alleged to have made an attempt to kill the victim Virender Singh on 27.02.2024 by firing a shot with a firearm upon him. He has been in custody since 17.04.2024. Only one witness has been examined so far. Trial will obviously take time to conclude. He does not have criminal antecedents. In view of the facts and circumstances of the case as discussed above, this Court is of the opinion that the petition deserves to be allowed at this stage. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**23<sup>rd</sup> May, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned*  
2. *Whether reportable*

: *Yes / No*  
: *Yes / No*