



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

235

**CRM-M-28069-2025  
Date of decision: 26.05.2025**

AJAY

...Petitioner

**Versus**

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present : Mr. Mohit, Advocate and  
Mr. Pavitra, Advocate  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

**SANJAY VASHISTH. J.(Oral)**

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

<b>Name of Petitioner(s)</b>	<b>FIR No.</b>	<b>Date</b>	<b>Section(s)</b>	<b>Police Station</b>	<b>District</b>
Ajay	356	09.10.2024	109(1), 3(5) BNS and Sections 25 and 27 of the Arms Act and Sections 111, 61(2) and 238 of BNS (added later on)	Bhuna	Fatehabad (Haryana)



- 2-

2. Learned counsel for the petitioner contends that it is a case of no injury. Though as per allegations leveled by complainant namely Raj Kumar @ Raja several shots were fired by the unnamed persons. Incident took place on 09.10.2024 and the FIR impugned herein was also registered against the unnamed person. He further submits that after 21 days when the complainant got his supplementary statement recorded, naming therein that the accused Shilu armed with two weapons, Sunny armed with one weapon and Ajay (present petitioner) armed with one weapon, were there in one vehicle and said vehicle was being driven by Bittu @ Kannu. In the same vehicle assailants were sitting and reached the spot. It is also argued that name of another accused namely Rahul who was also involved, on the basis of the disclosure statement of co-accused, vide order dated 07.02.2025 passed in CRM-M-7200-2025 (Annexure P-4) passed by this Court was released on anticipatory bail, by assigning reasons therein and said petition was accordingly disposed of, by directing to join the investigation.

3. Further submits that investigation has been completed and final report thereon was submitted on 03.03.2025. However, charges are yet to be framed thereon and the process of recording of evidence would start thereon. It is also informed that there are 44 prosecution witnesses and obviously process of recording their statement would be started only after framing of charges. Thus, prays for releasing of the petitioner on bail as he is not attributed any direct role in the incident. He also submits that co-accused Bittu @ Kannu had already been released on bail by this Court vide order dated 05.05.2025 in CRM-M-22947-2025.

3. Learned State counsel, produces the custody certificate dated 24.05.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 05 months and 13 days period inside the jail.

4. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that though the petitioner is stated to be involved in three other cases, but out of those three cases, he is on bail



in two cases.

He further submits that co-accused Bittu @ Kannu, who has been released on bail had not come outside the car. However, present petitioner Ajay came out and then fired, but said shot fired by the petitioner did not cause any injury to anyone.

5. I have considered the submissions addressed by the respective counsel for the parties and gone through the petition.

6. Admittedly, no active role has been attributed to the petitioner, even if it is assumed that the petitioner was present on spot, at the time of incident, there has to be a positive evidence against the petitioner to prove that he had shared the common intention with the other accused in advance and said decision would be taken by the trial Court at the end of the trial, after having complete set of evidence before it. Admittedly, no weapon has been recovered from the petitioner and in addition, as argued by the counsel for the petitioner that as per prosecution, fired bullet hit at the tire of the car, belonging to the complainant and despite being asked, complainant refused to get the mechanical examination of the car, it would not be possible for the prosecution to prove the incident even.

7. Without making any comment over observations over the submissions addressed by the counsel and the evidence available with the prosecution, I deem it appropriate to consider the plea for bail of the petitioner, accordingly prayer for bail is accepted and the petitioner is directed to be released on bail

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.



10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

26.05.2025  
amandeep

(SANJAY VASHISTH)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No