

(2026) 08 P&H CK 0469
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42278-2026 (O&M)

Amit @ Tota

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 287, 308(5), 111(4), 3(5), 61(2), 238(c)
Arms Act, 1959 — Section 25, 25(6), 25(7)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483

Citation : (2026) 08 P&H CK 0469

Hon'ble Judges : Virinder Aggarwal, J

Bench : Single Bench

Advocate : Mr. G.S. Shahpuri, Advocate for the petitioner; Mr. Tanuj Sharma, Asstt. AG, Haryana.

Final Decision : Petition dismissed

Judgement

1. The present petition has been instituted under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the concession of regular bail pending trial in connection with FIR No.193 dated 15.07.2025, registered under Sections 287, 308(5), 111(4), 3(5), 61(2) and 238(c) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 285, 386, 34, 120-B and 201 of the Indian Penal Code, 1860), along with Sections 25, 25(6) and 25(7) of the Arms Act, 1959, at Police Station Gandhi Nagar, District Yamuna Nagar.

2. Briefly stated, the prosecution case, as emerging from the police report, is that on 14.07.2025, SI Dalbir Singh and ASI Mashroof Ali, while present at Police Station Gandhi Nagar, received information that two unidentified persons had fired gunshots outside the office of the complainant situated near Reliance Mart, Workshop Road, Yamuna Nagar. Acting upon the said information, the police immediately reached the place of occurrence, secured the scene and summoned the Scene of Crime Team. During inspection, three empty cartridges along with

fragments of fired bullets were recovered from the spot, duly sealed and taken into police possession.

2.1. Thereafter, complainant Gurdeep Singh @ Bobby submitted a written complaint stating that he and his brothers were jointly engaged in the business of railway job works and manufacturing plywood machinery. According to him, after closing their office on the evening of 14.07.2025, he received a telephonic call from his nephew informing him that two unknown persons had fired multiple gunshots at their office premises. Upon reaching the spot, he noticed visible marks of gunfire on the office building. The complainant alleged that the firing had been orchestrated by unknown persons with the intention of intimidating and terrorising him and his family members, though no demand for ransom had been made prior thereto. On the basis of the aforesaid allegations, the present FIR initially came to be registered under Section 287 of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, 1959, whereafter additional offences were incorporated during the course of investigation.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that his continued incarceration is wholly unwarranted. It is submitted that no incriminating article or weapon has been recovered from the conscious possession of the petitioner either before or after his arrest. Learned counsel further submits that no specific overt act has been attributed to the petitioner in the commission of the alleged offence and that, even according to the prosecution, the only allegation against him is that he allegedly conducted reconnaissance ("*recce*") prior to the occurrence, which, by itself, is not substantiated by any cogent or independent evidence.

3.1. It is further contended that the petitioner had approached the learned Sessions Court seeking regular bail; however, the said application came to be dismissed without due appreciation of the factual matrix and the material available on record. Learned counsel submits that several co-accused, against whom more serious and direct allegations have been levelled, have already been enlarged on regular bail by the competent Courts. The case of the present petitioner, it is argued, stands on a better footing than that of the co-accused who have already been granted the concession of bail, thereby entitling the petitioner to the benefit of parity.

3.2. Learned counsel further submits that the petitioner has remained in judicial custody since 17.11.2025. The investigation stands concluded, the final report has already been presented before the competent Court, and no further recovery is required to be effected from the petitioner. The trial is still at a nascent stage and is not likely to conclude in the near future. Consequently, the continued incarceration of the petitioner would serve no useful purpose and would amount to pre-trial punishment. It is, therefore, prayed that the present petition be allowed and the petitioner be enlarged on regular bail during the pendency of the trial.

4. Notice of motion.

4.1. At this stage, Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana, accepts notice on behalf of the State of Haryana. The custody certificate produced by the learned State counsel is taken on record, subject to all just exceptions.

4.2. Learned State counsel has vehemently opposed the prayer for grant of regular bail. It is contended that the allegations disclose the commission of grave and organised criminal offences involving a premeditated act of firing upon the business premises of the complainant with the object of creating fear and intimidation. It is further submitted that the investigation has revealed the involvement of the petitioner as an active participant in the criminal conspiracy and that his role is not confined merely to passive presence but extends to facilitating the commission of the offence by conducting prior reconnaissance and coordinating with the other accused persons.

4.3. Learned State counsel further argues that the offences alleged are serious in nature, involving criminal conspiracy, extortion, destruction of evidence and offences under the Arms Act, and carry severe penal consequences. The mere fact that certain co-accused have been granted bail cannot, by itself, entitle the petitioner to claim parity, as the role attributed to each accused is required to be examined independently. It is further submitted that the release of the petitioner at this stage may adversely affect the prosecution case and there exists a reasonable apprehension that he may influence prosecution witnesses or otherwise impede the fair conduct of the trial. Accordingly, it is prayed that the present petition, being devoid of merit, be dismissed.

5. Having heard learned counsel for the parties at considerable length and upon a *prima facie* appraisal of the material placed on record, this Court is of the considered opinion that no case is made out for extending the extraordinary concession of regular bail to the petitioner at this stage.

5.1. The prosecution has attributed a specific and distinguishable role to the petitioner. The material collected during the course of investigation *prima facie* indicates that the petitioner had conducted prior *recce* of the place of occurrence before the commission of the offence, thereby facilitating the execution of the alleged criminal conspiracy. Such an allegation cannot be lightly brushed aside at this stage, as prior *recce* constitutes an essential component of a meticulously planned criminal enterprise and *prima facie* reflects conscious participation in the preparation and execution of the alleged offence. The prosecution case further discloses that the occurrence was preceded by an alleged ransom demand of ₹ 5 crores, demonstrating that the firing was not an isolated act of violence but was allegedly intended to terrorise the complainant into succumbing to an unlawful demand. It is a matter of judicial notice that incidents involving organised extortion through firing upon commercial establishments and issuance of exorbitant ransom demands have witnessed an alarming rise in recent times,

thereby posing a serious threat to public order, commercial security and the rule of law. Such offences transcend the realm of private disputes and have far-reaching societal repercussions, warranting a cautious approach while considering a prayer for bail.

5.2. Another circumstance which weighs against the petitioner is his criminal antecedents. The record reveals that four other criminal cases of a similar nature are stated to be pending against him. Although the mere pendency of criminal cases cannot be regarded as conclusive proof of guilt, such antecedents nevertheless constitute a relevant consideration while exercising judicial discretion in matters relating to bail, particularly where they disclose a *prima facie* pattern of involvement in offences of an identical nature. The antecedents attributed to the petitioner, therefore, cannot be ignored while assessing his entitlement to the discretionary relief of regular bail.

5.3. The contention advanced on behalf of the petitioner seeking parity with co-accused Parvej and Rajat, who have been enlarged on regular bail by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, is equally devoid of substance. The doctrine of parity is not an inflexible or mechanical principle and can be invoked only where the role attributed to the accused and the surrounding circumstances are substantially identical. In the present case, the said co-accused were already in judicial custody in FIR No.117 dated 18.07.2025, registered under Section 111(4) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(6) and 25(7) of the Arms Act, 1959, at Police Station Farakpur, since 18.07.2025, and their cases rested on a distinct factual foundation. In contradistinction, the petitioner has been specifically alleged to have undertaken prior *recce* of the place of occurrence, thereby facilitating the commission of the offence. His role, therefore, stands on a different and more incriminating footing, disentitling him from claiming parity with the co-accused.

5.4. Having regard to the nature and gravity of the accusations, the specific role attributed to the petitioner, the alleged demand of ransom to the tune of ₹ 5 crores, the organised nature of the alleged criminal conspiracy, the criminal antecedents of the petitioner, and the overall material collected during the course of investigation, this Court is of the considered opinion that the petitioner has failed to make out a case warranting the grant of regular bail at this stage. Any indulgence shown at this juncture may adversely impact the fair conduct of the trial and would not be conducive to the larger interests of justice.

5.5. Consequently, finding no merit in the present petition, the same is hereby **dismissed**.

6. Consequent upon the final adjudication of the principal petition, all pending miscellaneous, interlocutory and ancillary applications, if any, arising out of or connected with the present proceedings, shall also stand disposed of. The determination of the principal lis has rendered all such ancillary proceedings infructuous, and, therefore, no separate or further orders are called for in respect

thereof.