CNR No:PHHC011184322026
2026:PHHC:102989

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(224) CRM-M-39856-2026 **(O&M)**
Date of Decision:**27.07.2026**

SARVER

… Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Ms. Pooja Jaglan, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

Mr. Abhishek Chhoker, Advocate
for respondents No.2 and 3.

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VIRINDER AGGARWAL, J. (Oral)

1. The present is the first petition 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 in FIR No. 623 dated 13.10.2025, registered at Police Station Gharaunda, District Karnal, under Sections 191(3), 190, 115(2), 109(1), 333 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 148, 149, 323, 307, 452 and 506 of the Indian Penal Code, 1860), along with Sections 25, 54 and 59 of the Arms Act.

2. Briefly stated, the prosecution case emanates from the complaint lodged by Saleem son of Akdad Ali and Talim son of Yamin, residents of Village Balhera, Tehsil Gharaunda, District Karnal. It is

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alleged that on 13.10.2025 at about 11:00 a.m., the accused persons, namely Harun, Faruk, Sada, Sahil, Sharukh and Kyum, initially came to the complainants' house, abused them and, while leaving, threatened to kill them. Thereafter, it is alleged that the accused persons, along with their associates, formed an unlawful assembly, trespassed into the complainants' house in several cars and motorcycles, assaulted the inmates with a common object and in furtherance of their criminal conspiracy, and also opened fire with pistols with an intention to commit murder. It is further alleged that several members of the complainants' family sustained grievous injuries and were shifted to Government Hospital, Karnal for medical treatment. On the basis of the aforesaid allegations, the present FIR came to be registered.

3. Notice of motion.

4. Upon notice, Mr. Karan Veer Singh, learned Senior Deputy Advocate General, Haryana, accepted notice on behalf of the respondent-State, whereas Mr. Abhishek Chokker, Advocate, entered appearance on behalf of respondents No. 2 and 3. His power of attorney is taken on record.

4.1. 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, contending that, having regard to the nature, gravity and seriousness of the allegations, coupled with the manner in which the offence is alleged to have been committed, the petitioner is not entitled to

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the concession of regular bail. It is, accordingly, prayed that the present petition, being devoid of merit, be dismissed.

4.3. It has, however, been brought to the notice of this Court that respondents No. 2 and 3 have executed affidavit dated 05.06.2026 (Annexure P-2) categorically stating that the petitioner was not involved in the alleged occurrence and had been wrongly implicated in the present case.

5. I have heard learned counsel for the parties at length and have meticulously perused the paper book and the material available on record with their able assistance.

6. It is not in dispute that the principal co-accused, namely Sharukh, Parvez, Kyum, Sahil, Salman, Vicky Saini, Afsarun and Sada, from whom firearms were allegedly recovered, have already been enlarged on regular bail by the learned Sessions Judge, Karnal, vide orders dated 29.12.2025, 30.12.2025, 03.01.2026, 05.01.2026, 07.01.2026 and 09.01.2026, respectively. The allegation against the present petitioner is confined to his alleged membership of the unlawful assembly, and neither any specific overt act nor any recovery has been attributed to him. The petitioner, therefore, stands on a footing similar to, if not better than, the aforesaid co-accused and is entitled to claim the benefit of parity. The petitioner has remained in judicial custody since 01.04.2026, and no distinguishing circumstance has been pointed out by the learned State counsel so as to justify denial of the same relief extended to the similarly situated co-accused.

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6.1. Significantly, respondents No. 2 and 3 have also sworn affidavit (Annexure P-2) categorically asserting that the petitioner was not involved in the occurrence and had been wrongly named in the case. At this stage, such affidavit constitute a relevant circumstance for the limited purpose of considering the prayer for bail. Furthermore, the petitioner has remained behind bars for over three months, while the trial is yet to commence in any meaningful manner and is not likely to conclude in the near future. Continued incarceration in such circumstances would not subserve any useful purpose and would be inconsistent with the petitioner's fundamental right to a speedy trial guaranteed under Article 21 of the Constitution of India.

6.2. Accordingly, considering the principle of parity, the nature of allegations, the period of custody already undergone, the affidavits executed by the complainant side, and the likelihood of the trial consuming considerable time before reaching its logical conclusion, this Court finds the petitioner entitled to the concession of regular bail.

6.3. Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, as the case may be, and further subject to the following conditions:-

i. The petitioner(s) shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the Investigating Agency.

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ii. The petitioner(s) shall not tamper with the prosecution evidence in any manner whatsoever, nor shall the petitioner(s), directly or indirectly, attempt to influence, intimidate, or contact any prosecution witness.

iii. The petitioner(s) shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event any of the petitioner(s) is in possession of a passport, the particulars thereof shall be furnished before the Investigating Officer as well as the learned Trial Court.

iv. Before accepting the bail and surety bonds, the learned Illaqa Magistrate/Duty Magistrate/C.J.M. concerned shall obtain from the petitioner(s) the permanent residential address as well as the present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours of the acceptance of the bail bonds and place a verification report on record. In the event any of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

v. The petitioner(s) shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, the Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of the concession of bail in accordance with law.

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vi. The petitioner(s) shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days of such change.

vii. The petitioner(s) shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless personal appearance is exempted in accordance with law. The petitioner(s) shall not absent from the proceedings without obtaining prior permission of the learned Trial Court. In the event of violation of any of the aforesaid conditions or unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of bail and issuance of appropriate coercive process, including warrants of arrest.

7. In light of the final disposition of the captioned matter, all pending miscellaneous and interconnected applications are hereby deemed disposed of. The adjudication of the primary dispute has spent the force of these ancillary proceedings, rendering them infructuous *ex facie*. Consequently, no independent or supplemental orders are warranted or required in respect thereof.

(VIRINDER AGGARWAL)
JUDGE

27.07.2026
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No

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