

CRM-M-8902-2025

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2025:PHHC:047751



230(A) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8902-2025
Date of Decision:07.04.2025

SUNIL KUMAR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.249 dated 05.11.2023 registered for the offences punishable under Sections 323, 324, 336 read with Section 34 of IPC and Section 25 of Arms Act (Section 307 of IPC added later on) at Police Station Jamalpur, District Ludhiana.

2. The allegations in brief are that FIR in this case was registered against three unknown persons, who trespassed into the shop of complainant on 04.11.2023 and one of them was armed with iron Dah while another was armed with country-made pistol, who fired shot which



hit on the left shoulder of complainant while the third was waiting for them while standing outside. After occurrence, all three of them left the spot on a motorcycle. Subsequently, the petitioner was arrested in this case.

3. Counsel appearing on behalf of petitioner *inter alia* submits that petitioner is falsely implicated in the present case. Actually the petitioner was arrested in one another case having FIR No.268 dated 09.12.2023 registered in Police Station Jamalpur, District Ludhiana and as per police, the petitioner and his co-accused suffered disclosure statement with regard to their involvement in the present case. Consequently, the petitioner was arrested in the present case but during investigation, no incriminating article was recovered at his instance and petitioner is in custody for the last more than 1 year and 3 months and till date no prosecution witness is examined. It is further submitted that the disclosure statement, if any, suffered by the present petitioner in some another criminal case with regard to his involvement in the present case is subject matter of trial. That in the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is contested by the State counsel, who submits that the petitioner is a habitual offender and facing number of other criminal cases as are detailed in his custody certificate. However,



the State counsel has not disputed the fact that the petitioner was nominated as accused in the present case on the basis of his own disclosure statement suffered in one another criminal case having FIR No.268 dated 09.12.2023 and thereafter, the petitioner was arrested in this case and is behind bars for the last more than 1 year and 3 months and that during investigation, no incriminating article was recovered at the instance of the present petitioner in the instant case. The State counsel has also not disputed the fact that after framing of charges, till date no prosecution witness is examined on behalf of the prosecution.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the FIR in this case was registered against unknown persons, one of whom caused firearm injury to the complainant with the help of country-made pistol. During investigation, petitioner and other accused persons were nominated as accused. It is the case of the prosecution, that actually, all the accused were arrested in one another case having FIR No.268 dated 09.12.2023 and during investigation of the said case, the accused persons suffered disclosure statement with regard to their involvement in the instant case also. The veracity and admissibility of any such disclosure statement will be tested during trial and further the petitioner is incarcerated for the last more than 1 year and 3 months and it will take considerable time for the trial to conclude and

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during investigation of this case, no incriminating article was recovered at the instance of the present petitioner. Having regard to these facts and circumstances of the case, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period, even if he is involved in some other criminal cases.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

07.04.2025

Priyanka Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No