



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

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**CRM-M-31621-2025
Date of decision: 18.07.2025**

Sunil Kumar @ Sunil

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Shiva Khurmi, AAG, Punjab assisted by
ASI Surjit Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.141 dated 23.07.2021 under Sections 302, 148, 149 of the IPC and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioner contends that the false implication of the petitioner in the FIR in question is evident from the fact that although it was projected as an eyewitness account wherein the petitioner along with other co-accused attacked and inflicted fatal injuries upon the deceased, however, while deposing before the learned Trial Court all the material witnesses, including complainant PW1 Gurwinder Singh and the alleged eyewitness PW2 Gurmej Singh, did not support the case of the prosecution as a result of which they were declared hostile. It has also been submitted that even otherwise the



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petitioner has not been specifically attributed any injury, much less fatal, on the person of the deceased. Learned counsel has still further submitted that identically placed co-accused have already been extended the concession of bail by this Court vide orders Annexures P-2 to P-10. A prayer has, therefore, been made in the aforementioned facts and circumstances to enlarge the petitioner on bail as 12 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has neither disputed the custody period of the petitioner nor has he disputed the submissions made by the counsel opposite qua both the material witnesses i.e. the complainant as well as eyewitness Gurmej Singh having been declared hostile during trial. It has also not been disputed that no injury, much less fatal, has been attributed to the petitioner in the occurrence in question. However, learned State counsel submits that the petitioner was part of the unlawful assembly and had been specifically named in the FIR.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 30.10.2023. All the material witnesses, including the alleged eyewitness, stand examined and concededly, did not support the case of the prosecution during trial. The possibility of the trial concluding in the near future does not arise as only 05 prosecution witnesses out of the 17, have been examined so far. In the facts and circumstances as enumerated



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hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

18.07.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No