

2025:PHHC:064028



218.

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

CRM-M-60882-2024 (O&M)

Date of decision: 14.05.2025

Sunil Kumar alias Manga

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aditya Sanghi, Advocate, and
Mr. Himanshu Garg, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-48175-2024

Application is allowed, as prayed for.

CRM-M-60882-2024

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner, pending trial, in case FIR No.19, dated 16.01.2023, under Sections 148, 149, 302, 307, 427, 216, 120-B, 472 of IPC and Section 25 of Arms Act, registered at Police Station Kalan Wali, District Sirsa.

2. Learned counsel for the petitioner submits that the occurrence in question took place on 16.01.2023; as per the case of the prosecution, two persons, Deepak alias Deepu and Devender alias Deepu received fatal

firearm injuries at the hands of the accused party (some of the alleged attackers were named in the FIR in question). Learned counsel has contended that it is a case based on eyewitness account wherein the complainant as well as one other person, Amandeep, sustained bullet injuries at the hands of the accused party. Learned counsel has contended that a perusal of the FIR (Annexure P-2) clearly reveals that the petitioner was not named therein and the petitioner came to be nominated as an accused four days after the alleged occurrence during interrogation of co-accused, Balkar Singh and some other named accused. It has been asserted that other than the presence of the petitioner being shown at the time of the alleged occurrence along with the co-accused, no specific role or injury, much less fatal, had been attributed to the petitioner in the disclosure statements made by the co-accused. Learned counsel has argued that the case of the prosecution instead falls flat in the face because as per the allegation in the FIR, all the alleged attackers were armed with firearms with which they fired on the opposite party, however, after being arrested pursuant to a disclosure statement alleged suffered by the petitioner, a recovery of sword (the alleged weapon of offence) was shown to have been effected from the petitioner. Learned counsel has argued that it is not the case of the prosecution that either of the deceased or the injured witnesses in the present case had been inflicted any injuries, much less grievous, on their persons with a sharp-edged weapon. Still further it has been submitted that it is evidently a case of false implication because firstly, the petitioner has no previous criminal antecedents and furthermore, after the charges

were framed more than two years back on 18.04.2023, the case is being adjourned continuously before the Trial Court and not even a single witness out of 54 cited by the prosecution has been examined so far. A prayer, therefore, has been made by the learned counsel for the petitioner that in the aforementioned facts and circumstances, the petitioner be enlarged on bail as his further incarceration would serve no useful purpose.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the custody period of the petitioner, who has been in custody since 20.01.2023, nor has he been able to dispute, on instructions, the stage of trial. It has also not been disputed by the learned State counsel, on instructions, that the petitioner was neither named in the FIR in question nor was any suspicion raised qua his involvement in the twin murders. It has still not been disputed that the petitioner came to be nominated as an accused in the disclosure statements suffered by the other named co-accused, however, they too had only claimed that the petitioner was present along with them at the time of alleged occurrence. Learned State counsel has, however, argued that the petitioner was a part of the unlawful assembly which had carried out the brutal attack on the complainant party. In addition, the learned State counsel has reiterated the allegations levelled in the FIR (Annexure P-2), which stands reproduced hereinunder:-

“Statement of Amandeep Singh @ Kala son of Darshan Singh caste Jatt Sikh Village Kalanwali Mobile No. resident of 7027363007. Stated that I am resident of above said address and doing agriculture and we are two brothers. Today

Paramjit Singh @ Jagga son of Pritam Deep Singh resident of Mandi Kalanwali, Deepak @ Deepu son of Sita Ram resident of Kalanwali Davinder and Davinder @ Deepu son of Iqbal Singh resident of Mandi Kalanwali, Sirsa have come from hearing and came on my white colour Scorpio car No. HR51BM2235 in the house of Paramjit Singh Jagga at Kalanwali. There I had dropped Davender and Paramjit Singh @ Jagga. Then after dropping Deepak @ Deepu at his house, I was going back to my house. Then at Desu Road Kalanwali, Near DAV School Road, a black colour Scorpio car came, which was driven by some unknown boy. Balkar Singh son of Buta Singh resident of Takhat Mal, Gaggi resident of Audhan were in the car. They stopped their car in front of my car. I saw them and turned away my car and came at the house of Deepak @ Deepu. I told everything to Deepak @ Deepu. Then I along with Deepu came at the house of Paramjit Singh @ Jagga. There I told everything to Paramjit Singh @ Jagga and Davender. Then we all boarded in my car and went towards my house. We have departed from my house at 3:30 PM towards the house of Paramjit Singh @ Jagga and Deepak Deepu was driving the car. When we reached near Safa Centre at Kalanwali to Desu Road. I do not know the name thereof. From the front side one black colour Scorpio No. HR26AF5551 came and it was being driven by some unknown driver. At the adjacent seat of driver Gaggi resident Audha and in the middle seat Balkar son of Buta Singh resident of Takhatmal was sitting. They struck their car with our car. Then from the back side black colour ascent car no. HR25C8510 came and 5-6 boys alighted from it. All the boys were having pistols in their hands. They started firing at me. Out of above said boys, I am known to Jagsir Singh @ Jagga son of Vichittar Singh resident of Takhatmal, Manpreet son of

Raja Singh resident of Jagmalwali. I do not know the names of other boys. We were afraid because of the firing and there may be another car, but not sure. I have suffered 3 bullet injury at the right side of my chest in this quarrel. These bullet injuries have been given by Jagsir Singh @ Jagga son of Vichitar Singh. Paramjit Singh @ Jagga also suffered bullet injury. Deepak Deepu son of Sita Ram and Davender @ Deepu son of Iqbal Singh residents of Kalanwali had also suffered many bullet injuries. There was huge jam on the road. They all the assailants left their car on the spot and ran away on other cars along with their weapons. My friend Manoj @ Moji resident of Mandi Kalanwali had also reached on the spot. He got all four of us admitted in Civil Hospital Kalanwali. The doctor given treatment to me and Paramjit Singh @ Jagga and referred us to Government Hospital, Sirsa. Deepak @ Deepu and Davender Deepu have been declared dead. The doctor has referred me and Paramjit from Civil Hospital, Sirsa. Then we have been admitted in Ashirwad Hospital, Sirsa for treatment. You have recorded my statement, which is read over and is correct. We have old enmity with the persons, who have attached us and dispute continued since long time. Legal action be taken against them. Sd/- Amandeep Singh.”

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

5. The petitioner has been in custody since 20.01.2023 after his name surfaced in the disclosure statements suffered by co-accused. As not disputed by the learned State counsel, on instructions, that no overt act, much less any injury, fatal or otherwise, has been attributed to the petitioner on the person of either of the deceased or the other two injured witnesses.

The conclusion of the trial has been prolonged as the case is being adjourned time and again on account of non-appearance of the prosecution witnesses to get their statements recorded. As many as 54 witnesses have been cited and, therefore, the possibility of trial concluding in the near future does not arise.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and 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.

8. 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.

**(MANJARI NEHRU KAUL)
JUDGE**

May 14, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No