

CRM-M-6180-2025

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

CRM-M-6180-2025  
Reserved on: 06.03.2025  
Pronounced on: 26.03.2025

Sunil Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karandeep Singh Sidhu, Advocate  
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
125	22.06.2024	City Kotkapura, District Faridkot	307 & 323 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 3(ix) of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“...the present FIR (supra) was registered on the statement of the complainant, Mukul Sharma, son of the petitioner, Sunil Kumar. The complainant was initially admitted to the Civil Hospital, Faridkot, on 17.06.2024, in an unconscious state. The Medico-Legal Report (MLR) was prepared by the on-duty doctor at Civil Hospital, Faridkot, and was collected by ASI Naginder Singh, the Investigating Officer.*

*That on 21.06.2024, after regaining consciousness, the complainant recorded his statement, based on the MLR findings and the statement of the complainant, FIR No. 125/2024 was registered at Police Station City*

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*Kotkapura on 22.06.2024.*

*X x x x*

*6. That the complainant specifically stated that the petitioner, his own father, in an inebriated state, attacked him with an iron wiper with an intention to kill. The petitioner struck multiple blows on the complainant's head, face, and chest, resulting in severe bleeding and loss of consciousness. ASI Naginder Singh recorded the statement of eyewitness Manu Sethi, a neighbor, who revealed that the petitioner was restrained while attempting to continue the assault.*

*7. That the nature and status of injuries, the use of a weapon, and the accused's repeated aggressive actions clearly establish an intention to cause fatal harm. It is pertinent to note that the complainant was hospitalized for several days, requiring constant medical supervision, further evidencing the grievous nature of the attack.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that victim was petitioner's son and due to his matrimonial dispute, he committed suicide.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“ROLE OF THE PETITIONER:*

*(1) Petitioner is the father of the complainant, has brutally assaulted his own son in a fit of rage while being intoxicated.*

*(ii) Attack was not a sudden altercation but a deliberate act, as the petitioner verbally threatened to kill the complainant and then proceeded to strike him multiple times.”*

REASONING:

7. Petitioner is father of victim, such type of incident where father gave serious injury to his own son to whom he brought up is a matter of trial. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 3(vii) of the bail petition, the petitioner has been in custody since 22.06.2024. Per the custody certificate dated 06.02.2025, the petitioner's total custody in

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this FIR is 07 months & 12 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

15. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any

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Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

26.03.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.