

2025:PHHC:107767



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

213

CRM-M-53536-2024

Date of decision: August 19, 2025

SUNNY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Shiva Khurmi, DAG, Haryana
with ASI Harish Kumar.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.235 dated 21.08.2020 (Annexure P-1) under Sections 143, 148, 149, 302, 307, 201, 120-B, 216 of Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Sector 9-A, District Gurugram.

2. Learned counsel for the petitioner submits that on the face of it, it clearly comes across as a case of false implication; the petitioner was neither named in the FIR in question (Annexure P-1) nor was any suspicion raised *qua* his involvement in the crime in question, wherein three persons namely Anmol, Samir and Shashi Kant @ Sunny were allegedly gunned down to death. Learned counsel for the petitioner has submitted that the petitioner came to be nominated as an accused in the present case pursuant to a disclosure statement purportedly suffered by co-accused Gaurav, who claimed that the petitioner had helped them by doing a *recce* of the place of occurrence. Learned counsel has contended that the petitioner is not even alleged to have had any motive to conspire with the co-accused to carry out the crime in question. Learned counsel for the petitioner has further



submitted that two other persons namely Narender Pal and Bala Devi, who too came to be nominated as accused pursuant to the disclosure statement, have already been extended the concession of bail after just two months of their arrest whereas the petitioner has been languishing in custody since 28.08.2020.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that the petitioner was neither named in the FIR nor any suspicion raised *qua* his involvement in the crime in question. On further instructions, it has also not been disputed that no motive had been alleged against the petitioner to conspire with the co-accused Gaurav, who carried out the triple murders. However, learned State counsel has submitted that the petitioner although did not actively participate in the crime in question, he extended passive assistance by carrying out a *recce* of the place of occurrence, which in turn facilitated the co-accused to carry out the murders.

4. Learned State counsel, on further instructions, has submitted that as on date, 51 prosecution witnesses stand examined out of the 62 and the next date of hearing fixed before the learned trial Court is 22.08.2025, when some more witnesses are likely to be examined. On a pointed query put to the learned State counsel as to whether the petitioner has any other criminal antecedents, he, on instructions, submits that the petitioner is booked in one other case under the Arms Act.

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

6. The petitioner has been in custody for almost 5 years after he was arrested on 28.08.2020. He has neither been attributed any injury on the person of the deceased nor is it the case of the prosecution that he had any motive to conspire with the co-accused to carry out the crime in question. The petitioner is alleged to have only carried out a *recce*.



7. Without commenting upon the merits of the case of the prosecution, in the aforementioned facts and circumstances, this Court deems it fit to extend the concession of bail to the petitioner, firstly keeping in mind the inordinate delay in the conclusion of trial and the long custody period of the petitioner, and secondly, the role attributed to him.

8. 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.

9. 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.

10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

August 19, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*