



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-47103 of 2025

Date of Decision: 05.09.2025

Sunil alias Chamariya

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Dr. Pankaj Nanhera, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. This is first petition under Section 483 of BNSS for grant of regular bail to the petitioner. The petitioner, who is in custody with regard to commission of offence punishable under Sections 109(1), 190, 191(3) and 351(3) of BNS and Section 25(6) of the Arms Act (Sections 61 and 115 of BNS were added later on), Police Station Hisar Sadar, District Hisar, is seeking the benefit of bail.

2. Shorn off unnecessary details, the facts of the case are that the FIR of this case came into being on the basis of statement of Naresh who stated that on 20.03.2025 at about 9:00 P.M., when he was strolling in Sector 28, Hisar near BSNL tower, a black colour Creta car came. According to complainant, Krishan Punia, Sunil Punia and other persons alighted from the above mentioned car and that one of them was carrying an iron rod. According to complainant, they launched an attack upon him and tried to hit his head, but he saved himself by raising his hand and ran towards the

nearby dhabas. As per the complainant, he was chased by the above mentioned assailants and when he was trying to run away from the spot in Alto car of his friend, Sunil Punia fired a gunshot with an intention to kill him. It was further alleged by the complainant that thereafter, two/three attempts were also made by Sunil Punia by firing gunshots upon him, but somehow he was saved. As per complainant, thereafter, the assailants fled from the spot.

3. It is the case of prosecution that on the basis of above said statement when the FIR was lodged on 21.03.2025 and the investigation was taken up, during the course of investigation, the complainant got his supplementary statement recorded on 19.05.2025, wherein he stated that he has verified and found that the gunshots were fired upon him by Krishan Punia and not by Kartik alias Kaku Sharma.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Ms. Deepali Verma, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent, and waives service.

6. The learned State counsel has filed custody certificate of the petitioner. The same be taken on record. The learned State counsel has opted not to file any reply, however, she orally opposed the present bail petition.

7. Heard.

8. It has been argued by learned counsel for the petitioner that the petitioner is innocent and conduct of the complainant, who has subsequently introduced the name of Krishan Punia instead of Kartik alias Kaku Sharma itself shows that with regard to identity of the assailants, he is unable to form

a firm view. According to learned counsel for the petitioner, otherwise also, no serious injury was suffered by the complainant and that the complaint has already been discharged from the hospital.

9. In addition to above, learned counsel for the petitioner has also argued that the petitioner has already suffered sufficient incarceration for being in custody for a period of three months and 21 days, and that nothing is left to be recovered from the possession of the petitioner and that trial of the case is not likely to be concluded in near future.

10. Per contra, the learned State counsel has argued that name of the petitioner specifically finds mention in the FIR and a prominent role has been attributed to him. The learned State counsel has further argued that the petitioner is not having clean antecedents as he is already facing prosecution in four other cases. According to learned State counsel, if released on bail, the petitioner is likely to influence the witnesses and that the gravity of offence allegedly committed by the petitioner does not warrant concession of bail for him.

11. The record has been perused carefully.

12. A careful perusal of record shows that in the present case, there are several relevant factors which are required to be taken into consideration before arriving at any decision with regard to instant bail petition. Those factors are:-

- i) that the petitioner is in custody for a period of three months and 21 days;
- ii) that nothing is left to be recovered from the possession of the petitioner;

- iii) that the trial is not likely to be concluded in near future;
- iv) that no grievous injury, whatsoever, was suffered by the complainant; and
- v) that the detention of petitioner in judicial lock-up is not likely to serve any purpose.

13. Taking into consideration the cumulative effect of all the aforesaid factors, the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court concerned is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

14. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

September 05, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No