

CRM-M-65487-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65487-2024
Reserved on: 10.07.2025
Pronounced on: 31.07.2025

Sahil Kainth @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chandan Singh Rana, Advocate
Mr. Vikrant, Advocate and
Ms. Pooja, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

Mr. Jaiveer Singh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
58	21.06.2023	Division No.4, District Ludhiana	307, 148, 149, 506 IPC and 25, 54, 59 of Arms Act (Section 326 IPC added later on)

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. Per paragraph 9 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are taken from the status report filed by State counsel, which reads as follows:

“3. That in compliance to the above noted order of this Hon'ble Court, it is humbly submitted that on 21.06.2023 complainant-Reetu made a statement with the police levelling allegations that her cousin Abhinav Sharma had dispute with one Vinay Bhandari about the affairs with a girl. However, on 21.06.2025 at about 2.00 p.m the complainant's brother Munish alias Mannuhad gone to the shop of one Raju, who is a respectable person to talk about the said dispute but there Vinay Bhandari along with his accomplices i.e. present petitioner, Bhola, Ankush, Himanshu, Sahil alias Nannu etc., came on motorcycles and Activa and attacked on the complainant's

brother Munish alias Mannu with swords. Thereafter Vinay Bhandari fired gunshots with his Pistol with an intention to kill the complainant's brother Munish alias Mannu and one bullet struck/hit in the abdomen of the complainant's brother. The persons who were armed with swords hit swords directly at the head of the complainant's brother on which panic/chaos arose in the street as a result of which the said persons ran away from the spot while threatening complainant's brother.

In the MLR of the complainant's brother, the doctor has documented total seven injuries i.e. (i) A lacerated wound over the left parietal region of Head. (ii) A bullet entry wound over the right lower abdomen (iii) Lacerated wound over right hand (iv) Lacerated wound over left hand (v) Lacerated wound on left ankle (vi) Lacerated wound on right leg (vii) Lacerated wound on left leg. Injuries on head, right hand and left hand were grievous and bullet injury on abdomen was dangerous to life and the same was caused with firearm. Accordingly FIR No.58 dated 21.06.2023, u/s 307, 148, 149, 506 of IPC and section 25 of Arms Act, P.S.Division No.4, Ludhiana (Annexure P-1) was registered against the present petitioner, Vinay Bhandari, Bhola, Ankush, Himanshu, Sahil alias Nannu and unidentified persons.”

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.

5. The State as well as counsel for the complainant opposes bail and refers to the status report.

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

“ROLE OF THE PETITIONER:

8. That after forming unlawful assembly with his co-accused, the petitioner has committed murderous attack on the complainant's brother and thereby caused grievous and dangerous injuries. The petitioner was armed with Sword and the said sword has also been got recovered by the petitioner u/s 27 of Evidence Act. Thus considering the gravity of offence and the petitioner being a habitual offender, he is not entitled to the concession of bail.”

7. Petitioner and the main co-accused left no stone unturned to kill the victim. The injuries attributed to the petitioner is on the vital parts of the body. It was a stroke of luck that the victim survived maybe because of medical intervention. The act is full of extreme perversity and hatred and on this ground alone, petitioner is not entitled to bail.

8. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal.

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of 02 years cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is 10 years.

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

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.