



CRM-M-34293-2025

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

**CRM-M-34293-2025 (O&M)  
Date of Decision: 28.08.2025**

Sunny

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:     Mr. Amitoj Singh Dhaliwal, Advocate, for the petitioner.  
              Mr. J.S. Arora, DAG, Punjab.

**Rajesh Bhardwaj, J. (ORAL)****CRM-32942-2025**

Prayer in the present application is for recalling of order dated 10.07.2025 vide which the present petition was dismissed as not pressed and for restoring the main petition.

Learned counsel for the applicant-petitioner has submitted that main the petition was heard alongwith the petition of the co-accused, however, the same was dismissed as not pressed. He submits that he was not present at the time of hearing of the case and thus, he was not heard and instead of dismissing the petition for non-prosecution, the same was dismissed as not pressed alongwith the petition of the co-accused.

Notice in the application.

Mr. J.S. Arora, DAG, Punjab, accepts notice on behalf of the State and pleads no objection, if the present application is allowed.

After hearing learned counsel for the parties and for the reasons mentioned in the application, the same is allowed. The main petition is restored to its original number and stage. The main petition is taken up for hearing today itself.

Main case

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.263 dated 14.12.2024, registered under Sections 105 and 3(5) of BNS, 2023, at Police Station City Moga.

2. Succinctly facts of the case are that the FIR in the present case was lodged on the statement of complainant Madhu. It was alleged that her parents died and they are four sisters and two brothers. Her elder brother Rinku (deceased) was 35 years of age and doing work of collecting plastic bottles from scrap and used to look after all the siblings. On 13.12.2024, in their huts, Gulab Ram quarreled with some person, however, the person from their community intervened and got them separated. However, when till 7:00/8:00 p.m., her brother did not return back home, then the complainant alongwith his other brother Saleem went in search for his brother Rinku and saw that Gulab Ram alongwith his son was threatening him. Thereafter, Sandeep Singh, Gautam Ram and Sunny (petitioner) reached there, who were armed with sticks and started beating his brother Rinku. They all gave several stick blows to Rinku, due to which he fell on the ground. On raising alarm, they fled away from the spot with their respective weapon. The injured was shifted to the Hospital, where he declared him dead. It was alleged that motive behind the same was Gulab Ram had doubt that Rinku had played role in the earlier altercation which took place between them. Request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 14.12.2024. He approached the Court of learned trial Court, Moga twice for the grant of regular bail, however, after hearing



both the sides, learned Court declined the same, vide orders dated 08.04.2025/02.05.2025. Hence, aggrieved by the same, the petitioner has approached this Court by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present petition. He submits that no specific role has been attributed to the petitioner and the allegations levelled are omnibus in nature. It is submitted that the petitioner was not present at the place of occurrence at the time of incident. He submits that the petitioner is behind bars since the date of his arrest and challan has been presented. He has invited attention of this Court to the affidavits of Gurmail Singh and Gurpreet Singh and argued that it is apparent from the affidavits that the petitioner was falsely implicated in the present case. He further submits that the petitioner has no criminal antecedents and thus, in the facts and circumstances of the case, he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner has been *prima facie* established. The petitioner had played a specific role in the commission of offence. The petitioner was duly present at the time of occurrence and was duly armed with a stick. He submits that deceased Rinku died due to the injuries caused by the petitioner and the co-accused. It is submitted that no case for the grant of bail to the petitioner, is made out.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner alongwith the co-accused gave beatings to deceased Rinku. The affidavits as relied upon by counsel for the petitioner, *prima facie* show that the petitioner is interfering with the

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ongoing trial. Bail petition of the co-accused has already been declined by this Court. Thus, this Court does not find any ground to grant bail to the petitioner at this stage. Keeping in view facts and circumstances of the case and the stage of the trial, this Court finds that the petitioner does not deserve the concession of bail at this stage. Thus, finding no merit in the present case, the same is hereby dismissed.

6. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

**28.08.2025**  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

**(RAJESH BHARDWAJ)**  
**JUDGE**

: Yes/No  
: Yes/No