



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

208

CRM-M-34930-2025  
Date of decision: 19.09.2025

Sonu Kumar ...Petitioner  
Versus  
State of Haryana ...Respondents

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present : Mr. S.S. Gill, Advocate for the petitioner. (through VC)

Mr. Vikram Singh, AAG, Haryana.

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**AARADHNA SAWHNEY, J.(ORAL)**

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No. 32 dated 15.02.2023 registered against him, for commission of offences punishable under Sections 307/323/324/326/341 of IPC (109, 115(2), 118(1), 118(2), 126(2) of BNS) at Police Station Nathusarai Chopta, District Sirsa, has prayed for grant of bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

*Kalu Ram, son of Dalip Singh, resident of Village Rampura Dhillon, a labourer by profession set the criminal law in motion by filing a complaint pointing therein that he and his other siblings, are all married. He is the eldest, younger to him is Sube Singh, who is also a labourer. He and his brother live separately. At about 08:15 PM on 14.02.2023, when he (C) was having dinner, he heard voice of his brother, who was crying for help. Immediately thereafter, he (C) rushed out and saw Sonu (petitioner herein), son of Raj Kumar, a co-villager, hitting his brother with a 'Kapa'. He (Sube Singh) raised an alarm. Several persons started gathering, on seeing him Sonu fled away from the site. Immediately arrangements were made*



*and injured was rushed to the General Hospital, Sirsa, where first aid was provided. But, on account of delicate medical condition of the injured, he was referred to MAMC, Agroha. At the time when complaint was lodged, brother of complainant (Sube Singh) was still unconscious admitted in City Health Care Hospital, Sirsa.*

Primarily with this backdrop, complainant requested the police officials to catch hold of Sonu Kumar (petitioner), as also to initiate appropriate criminal proceedings against him. On the basis of the said complaint and MLR, a formal case vide FIR No.32 dated 15.02.2023 under Sections 323/324/341 IPC, was registered. After some of the injuries were declared 'Grievous' and 'Dangerous to life', Sections 326 and 307 IPC (118(2), 109 BNS) were added.

It further emerges from documents on record that the petitioner was arrested on 08.04.2023. During the course of interrogation, he confessed to his involvement in the commission of offence, got the place of incident demarcated. The weapon used by him was also got recovered and was taken into possession by the police officials. On culmination of investigation, challan was filed.

3. After the application for grant of bail was dismissed by learned Sessions Judge, Sirsa vide order dated 05.06.2025, petitioner has filed the present petition under Section 528 BNSS.

4. Short submissions raised by learned counsel for the petitioner is that complainant, an eye witness, at whose behest the proceedings were initiated, has already been examined. However, injured Sube Singh is deliberately not appearing in the Court despite the fact thatailable warrants have been issued by the learned trial Court, to procure his presence.



Adjournments are being sought on one pretext or the other. From the conduct of the injured, who is intentionally not appearing in the Court, it is apparent that proceedings are being delayed. Out of 16 witnesses, only 6 have been examined till date, thus, completion of trial is likely to take some time. Taking into consideration the long custody period of petitioner, the conduct of the injured who is not appearing in Court, it has been prayed to take a lenient view in favour of the petitioner by extending him the concession of bail, as his further incarceration would not serve any useful purpose. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to him.

5. Status report by way of an affidavit of Mr. Raj Singh, HPS, Deputy Superintendent of Police, Sirsa has been placed on record. Learned State counsel has opposed the request for grant of bail on the ground that the ferocity of the attack unleashed by the petitioner can be inferred from the fact that the injured, who was unarmed, suffered as many as 10 injuries, some of which were declared 'Grievous' and 'Dangerous to life'. Further, complainant, an eye witness to the incident and real brother of the injured, narrated the entire sequence of events, in his statement recorded on oath, supporting the case of the prosecution.

Learned State counsel next submits that in the wake of questionable past antecedents of the petitioner, who has already been convicted in a case of similar nature (FIR No.31 dated 04.03.2018 under Sections 148, 149, 323, 324, 307 IPC), no case for grant of bail is made out, for if extended this concession, he (P) is likely to misuse the same by fleeing from the process of justice, by overawing the other witnesses who have not



been examined, moreover the chances of him misusing the concession of bail by committing another offence, can also not be ruled out. Dismissal of the petition has been prayed for.

6. Both the counsel have been heard and documents on record have been perused.

7. In the present case, petitioner was arrested on 08.04.2023 and has been in custody since then. Complainant, an eye witness to the incident and real brother of the injured has already been examined. During the course of arguments, it has not been disputed that injured Sube Singh is not appearing in the Court. Perusal of the interim orders appended along with the case file reveal that on 17.07.2025, injured (Sube Singh) was stated to be out of station and a request was made to examine him on the next date of hearing. Subsequently, Sube Singh appeared but requested that his statement be recorded in the presence of his counsel. The case was adjourned to 21.08.2025, when as pointed out by learned State counsel, the injured did not appear. When appreciated in the light of the facts that have been brought on record, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

As regards the submission of learned State counsel with respect to the questionable past antecedents of the petitioner is concerned, suffice it



would be point out that as per settled law, bail application of the petitioner can solely not be rejected on the ground that he is involved in another case.

In the light of the submissions advanced by learned counsel for the petitioner, the fact that petitioner has been in custody for more than two years and completion of trial is likely to take some time, the Court is of the opinion that further incarceration of petitioner would not serve any useful purpose. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.*
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) The petitioner shall not in any manner misuse his liberty.*
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court,*



*stating the reason for the same.*

*(viii) The petitioner shall not leave the country without prior permission of the trial Court.*

*(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

**(AARADHNA SAWHNEY)**  
**JUDGE**

**19.09.2025**

Hemant

Whether speaking/reasoned : Yes / No  
Whether reportable : Yes / No