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

CRM-M-23336-2025

Date of Decision:22.07.2025

KUNAL DHAMA

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sauhard Singh, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl. A.G., Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.4 dated 02.01.2022, registered under Sections 302, 201, 34, 392 and 120-B of IPC, Police Station Sector-10, District Gurugram.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered against unknown persons. During the course of investigation, the police had initially arrested Aftab @ Raja on 13.07.2022. Aftab @ Raja also suffered a statement in the police custody, which led to the arrest of the petitioner and other accused on 14.07.2022. Learned counsel further submits that during the course of investigation, the police recovered a mobile phone make Vivo, which was used by him in the commission of crime



and except the said evidence, no other admissible evidence was collected against him during the course of investigation. Learned counsel further contends that the petitioner was arrested in the present case on 14.07.2022 and is in custody for the last more than 03 years. The prosecution has examined 12 witnesses out of total 35 witnesses. The prosecution has already examined Pawan Kumar, brother of the deceased and Aman Kumar son of the deceased in the present case and the petitioner may not be in a position to influence the witnesses of the prosecution.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, the petitioner was arrested on 14.07.2022 and is in custody for the last about 03 years. The prosecution has already examined the material witnesses and the petitioner may not be in a position to influence the prosecution evidence. Moreover, co-accused Aman Sharma has been granted the concession of bail by this Court on 13.02.2025 in CRM-M-25999-2024 (Annexure P-7). Thus, the further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-



(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

22.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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