



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

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CRM-M-3912-2025

Date of decision: 19.02.2025

Sunny @ Sukka

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagdeep Singh Rana, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana..

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.59 dated 01.05.2024 under Sections 186, 307, 332, 353, 34 of the IPC and Section 25(1-b)(a) of the Arms Act, 1959 registered at Police Station Behl, Bhiwani, District Bhiwani.

2. On the last date of hearing, learned counsel for the petitioner contented that, although secret information was received, qua the alleged involvement of the petitioner along with the co-accused, the petitioner was not apprehended at the spot when the police intercepted the co-accused following a tip-off. It was also submitted that the petitioner's alleged escape from the spot, despite the presence of police officials, acting on prior information, is highly improbable.

3. In addition, it has been submitted before this Court today that even the essential ingredients of Section 307 of the IPC/109 of the



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BNS are not made out against the petitioner, as the firearm was recovered from co-accused Lalit and not from him. Additionally, as no recoveries are to be effected from the petitioner, his custodial interrogation would be unnecessary.

4. On being put to notice, learned counsel for the State has filed a status report by way of affidavit of Jai Bhagwan, HPS, Deputy Superintendent of Police, Siwani, Bhiwani, in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

5. Learned State counsel has drawn the attention of this Court to the contents of paragraph 2 of the status report which is reproduced hereinunder:-

“That Brief facts of the case are that on 30.04.2024, police officials were present on patrolling duty. Meanwhile, a secret information was received that Lalit and Sunny @ Sukka are coming in a black colour TATA Nexon car No.RJ-18EC-9585 having illegal possession of firearms. On this information, barricades were installed. After some time, the above stated car was seen coming. Police officials signaled the driver to stop the car. However, the driver struck the car straightway towards police officials as well as barricades. The police officials could escape themselves by jumping aside. The aforesaid Nexon car stopped after striking in a private vehicle. Meanwhile, accused Lalit jumped from the car and started running, however, he was apprehended by the police party and a pistol and two live cartridges were recovered from him. After usual formalities, co-accused Lalit was arrested. However, another named Sunny @ Sukka (petitioner-petitioner) who was driving the aforesaid Nexon car succeeded in fleeing away from the spot. With these allegations, the present FIR was registered.”

6. It has been further submitted by the learned State counsel that, apart from the serious allegations against the petitioner, he has



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previous criminal antecedents and is involved in another case i.e. FIR No.300 dated 10.07.2023 under Section 420 of the IPC, registered at Police Station Badshahpur, District Gurugram. Given this background, it is contended that the petitioner does not deserve the concession of bail. It has also been argued that, while the investigation regarding co-accused Lalit is complete, the investigation against the petitioner is still pending, and his custodial interrogation is necessary for a thorough probe.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. *Prima facie*, the allegations against the petitioner are of a grave nature. The petitioner is alleged to have been in possession of illegal firearm and despite being signaled to stop his vehicle, not only evaded apprehension but also breached the barricades put up by the police, thereby facilitating his escape. The police officials, who were present at the spot, had a providential escape as the petitioner who was driving the vehicle tried to run over them. The petitioner was specifically named in the secret information coupled with the fact that the mode and manner in which the offence has allegedly been committed and he has previous criminal antecedents, it *prima facie* indicates that he is indeed a habitual offender.

9. In view of the seriousness of the allegations and the necessity of custodial interrogation for a comprehensive investigation, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed



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accordingly.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.02.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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