



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

215

CRM-M-7908-2025  
Decided on : 18.02.2025

Sumit . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

**PRESENT:** Mr. Daljeet Singh Virk, Advocate  
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana  
assisted by PSI Gurmesh,  
Incharge PP Sabji Mandi Sirsa, P.S. City Sirsa.

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**SANJAY VASHISTH, J. (Oral)**

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

| Name of<br>Petitioner(s) | FIR<br>No. | Date       | Section(s)                               | Police Station | District |
|--------------------------|------------|------------|------------------------------------------|----------------|----------|
| Sumit                    | 478        | 06.07.2024 | 103(1), 118(1), 3(5) of<br>BNS Act, 2023 | City Sirsa     | Sirsa    |

2. Learned counsel for the petitioner *inter alia* contends that as per the allegations levelled by the complainant – Gurpreet Singh @ Sonu in FIR, on 05.07.2024 at about 10:30 P.M., his youngest brother Harpreet Singh @ Tony and cousin Arshdeep Singh @ Ashu, had gone outside together for walk after taking their meal. On hearing loud voices, the complainant and his younger brother Manpreet Singh @ Monu intervened and saw that cousin brother of the complainant namely; Arshdeep Singh @ Ashu was



fighting with his brother Harpreet Singh @ Tony and gave repeated knife blows to Harpreet Singh @ Tony, and because of said knife blows, his brother Harpreet Singh @ Tony expired.

After registration of FIR on 06.07.2024, prosecution arrested the main accused Arshdeep Singh @ Ashu and recorded one disclosure statement on 07.07.2024 of the said accused, while he was in custody. As per said disclosure statement, deceased was in habit of taking *Bhel Puri* on credit basis from the petitioner (Sumit), who used to sell *Bhel Puri* on Rehri. On refusal of making payment of *Bhel Puri*, deceased gave beatings to the Sumit (petitioner herein), and thereupon, petitioner – Sumit told Arshdeep Singh @ Ashu to take revenge. Thus, on that basis, petitioner – Sumit has also been impleaded as accused in the case under Section 3(5) of BNS, 2023.

3. Learned counsel further submits that petitioner is inside jail since 06.07.2024. After completion of investigation, challan has been presented and charges have also been framed. However, trial is yet to commence. Therefore, by keeping the petitioner inside jail for indefinite period, would not serve any purpose for prosecution.

Thus, he prays for the grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 17.02.2025 *qua* petitioner, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.



5. Learned State counsel submits that as per the custody certificate, after arrest, petitioner remains inside jail for about 07 months and 11 days. However, there is no other case registered against him either of similar nature or any other kind.

Further submits that it is on the instigation of the petitioner that main accused – Arshdeep Singh @ Ashu, committed crime and took revenge for his friend ‘Sumit’ (petitioner herein) by murdering ‘Harpreet Singh @ Tony. Thus submits that petitioner does not deserve concession of regular bail.

6. I have heard learned counsel for the parties and gone through the record with their able assistance.

7. Admittedly, at the first instance, there is no allegation or even a mention of the petitioner's name in the detailed version of the FIR. The petitioner's name has surfaced for the first time only in the disclosure statement. The admissibility of such a disclosure statement is yet to be tested by the trial Court at the final stage.

Furthermore, even in the context of involving the petitioner in the case of murder, there is no allegation that the petitioner ever instigated his friend, Arshdeep Singh @ Ashu (main accused), to commit the murder using the knife, which the petitioner normally used for his work on his Rehri.

Therefore, considering the totality of circumstances, and the submissions addressed by both sides, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**.



Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

**February 18, 2025**

*J.Ram*

*Whether speaking/reasoned:*    *Yes/No*  
*Whether Reportable:*            *Yes/No*