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(230)

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

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Date of Decision: 11.08.2025

SAHIL

... Appellant

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pardeep Balyan, Advocate
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The present appeal has been preferred against the judgment dated 01.02.2025 passed by the Addl. Sessions Judge, Sonapat in case bearing FIR No.324 dated 29.08.2020 registered under Sections 148, 149, 302, 506, 120-B IPC and Sections 25-54-59 of Arms at Police Station Sadar Gohana, District Sonapat, dismissing the bail petition of the appellant.

2. The present FIR came to be registered at the instance of Kudeep S/o Raghbir and the same reads as under:-

“To the SHO, P.S. Gohana Sadar. Sir, it is requested that I Kuldeep son of Sh. Raghbir caste Jat is resident of Panna Mithan Bhainswal Kalan and I am doing farming and today on dated 29.08.2020 my uncle's son (Chacha) namely Pawan son of Satbir had went to his fields for taking Sorghum (Jawar) and I was also present in my field then around 7 P.M., Pawan was sitting on his motorcycle bearing No.HR-13B-8510 on Bhainswal to Pinana



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Road on bridge near his field, then at the same time Rohit son of Ashok Bunny son of Azad resident of Bhainswal Kalan and one more accomplice of them came bare foot and soon upon their arrival started firing upon the Pawan. Then during this time, 3-4 boys ran towards the fields of Parveen son of Balraj and then Rohit ran away alongwith his friends from the spot towards village Guhna through an unconstructed way and given me the threat to kill while leaving me on their way, Pawan had dead at the spot on account, of receipt of 7-8 gun shot. Pawan was killed by Rohit and his friends in a pre-planned manner and also threatened to kill. I request you to take some legal action against them. Sd/- Kuldeep applicant Kuldeep son of Raghbir resident of Bhainswal Kalan dated 29.08.2020 Ph. 9671297668.”

3. On 04.09.2020, a supplementary statement was made by the complainant wherein the petitioner and others were arrayed as accused.

4. The learned counsel for the appellant contends that the appellant has been falsely implicated in the present case. He has not been named in the FIR but only in the supplementary statement which came to be recorded five days after the occurrence. The recovery of a country-made pistol has been planted upon him. As the appellant is in custody since 24.11.2020 but only 31 of the 49 prosecution witnesses have been examined so far. As the trial of the present case is not likely to be concluded anytime soon and the petitioner has suffered a protracted trial, he is entitled to the concession of bail moreso as he is a juvenile and his case pending before the Children’s Court.

5. A reply dated 09.08.2025 by way of an affidavit of Devender Singh, HPS, Asstt. Commissioner of Police, Mohana, Sonipat has been filed

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on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the appellant is one of the main accused who fired at the deceased. The recovery of a country-made pistol has been effected from him and the FSL report reveals that it was one of the weapons used to fire upon the deceased. Therefore, the appellant is not entitled to the concession of bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, the appellant is being tried by the Children's Court. He is stated to be in custody since 24.11.2020. Only 31 of the 49 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the appellant is not required.

8. Thus without commenting on the merits of the case, the present appeal is allowed and appellant-Sahil S/o Karambir is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The appellant shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. If the appellant or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the

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State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition the appellant (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the appellant from trial without sufficient cause.

12. The appeal stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.08.2025

JITESH

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