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

CRM-M-12071-2025

Date of Decision: 29.04.2025

Sunder

...Petitioner

vs.

State of Haryana

...Respondent

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

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Aman Arora, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.150 dated 26.05.2022 registered under Sections 323, 307, 302, 120-B, 34 of IPC and Section 25 of Arms Act, 1959, at Police Station Mundkati, District Palwal.

2. The FIR in the present case was registered on the basis of the statement made by Narender, son of Bharat and the same has been reproduced below:-

“To, SHO, P.S. Mundkati, Palwal, Haryana. Sir, it is requested that I am Narender son of Bharat, Caste Jat, resident of Aurangabad, Police Station Mundkati, District Palwal. And I do farming work. I, my brother Sumit and father had gone to work in the fields and then today at about 10.45 a call from Lalit @ Lalti came on my brother Sumit. And he started abusing Sumit and

threatening to kill him. After that I called 112 from my phone and told that Lalti was threatening to kill us. 10 minutes after calling, vehicle number 112 came to us. We told the police everything and then they said, if anything happens now, let us know. 20 minutes after the police vehicle left, Lalti son of Jasmat, Sumit son of Tarachand alias Pappu and Sundar son of Ombir Lohar resident of Aurangabad, all three came on a motorcycle and all three had different country made pistols in their hands and as soon as they came they shot my brother Sumit. Then all three ran after me with weapons. When I ran away from there and went to my father, I saw that my father was also shot by all three and I found my father in an unconscious state. Then I brought my brother Sumit and my father Bharat to the government hospital Palwal and the doctor treated my brother. Sumit was declared dead and my father was referred to Faridabad Escort Fortis. In this incident, all three shot us with the intention of killing the entire family. Lalti's mother Ramvati has a hand in carrying out the entire incident. Sir, it is requested that strictest legal action should be taken against the accused so that we can get justice. Sd/- NARENDER Applicant Narendra, son of Bharat.”

3. Learned counsel for the petitioner contends that as per the case set up by the prosecution, the petitioner had also gone at the spot with Lalit, Sunder and Sumit. Further, Lalit had fired at Sumit, since deceased, whereas, the petitioner had allegedly fired at Bharat, injured in the present case. He further contends that Bharat, injured has already been discharged from the hospital long ago. The petitioner was arrested in the present case on 25.12.2024 and is in custody for the last more than 02 years and 04 months. By referring to the order (Annexure P-5), learned counsel submits that similarly placed co-accused, namely, Sumit has been granted the concession of bail by this Court.

4. On the other hand, reply has been filed by way of an affidavit of Deputy Superintendent of Police, Hodal, District Palwal and the same is taken on record. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was also one of the assailants in the instant case and he is involved in one more case.

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

6. In the present case, the petitioner is stated to be in custody for the last 02 years and 04 months and all the material witnesses have already been examined in the present case. Moreover, similarly placed co-accused, namely, Sumit has already been granted the concession of bail by this Court vide order dated 05.12.2024 (Annexure P-5).

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

29.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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