



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27070-2025

Reserved on: 2nd August, 2025

Pronounced on: 7th August, 2025

Sohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. Sauhard Singh, Advocate,
Mr. Vikalp Hooda, Advocate and
Mr. Bindu Tanwar, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Yashvardhan Goyal, Advocate for
Mr. Akshay Jindal, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 89 dated 18.04.2024 registered under Sections 302 and 34 of IPC and Section 25(1-B) (a) of Arms Act (Sections 34 and 25(1-B)(a) of Arms Act were deleted later on) at Police Station Sector 37, Gurugram, Haryana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 18.04.2024, on receipt of intimation regarding death of one Dinesh having taken place in a firing incident and about sustaining of firearm injury by one Sunil Kumar, a police party had rushed at the spot,



wherein the complainant submitted a written complaint that, on 17.04.2024, his son Dinesh had been assaulted by the accused Sunil Fozi @ Kalu, Rahul and Lalit. On 18.04.2024, his son was called by all of them at about 2-2:30 PM and had been shot at. Inquest proceedings were conducted. Post-mortem examination of the dead body was also conducted. After registration of the FIR, further investigation proceedings were also conducted. A special Investigation Team (SIT) was constituted to take up further investigation. The petitioner was apprehended on 08.07.2024. He was arrested and interrogated. He suffered a disclosure statement to the effect that, on the night of 17.04.2024, the victim was consuming liquor while sitting in a park of Eklavya temple. His uncle Sunil Fozi had stopped him from taking liquor but the victim started hurling abuses. Then on 18.04.2024, he was present inside his house when he heard some noises and on checking CCTV camera, he found the victim while firing shots with pistol upon his uncle Sunil Fozi. He took out a rod and rushed for rescue of his uncle and found him lying injured in a pool of blood. He had opened an attack upon the victim with an iron rod and had then taken his uncle to hospital. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version. In fact, it was the victim, who was the aggressor and who had opened an attack upon his uncle Sunil Fozi by firing multiple shots with a firearm in broad daylight. He had caused injuries to the victim with a stick in defence of his uncle and was not the aggressor. This fact has been recorded in CCTV footage of the camera installed at the place of occurrence. Trial will take



considerable time to conclude. He is in custody since long. His further incarceration would not serve any useful purpose. The ingredients for commission of offence punishable under section 302 of IPC are not attracted as there is nothing on record to show that he had any intention and motive to kill the victim. It is, therefore, argued that he deserves to be released on bail.

4. Status report and custody certificates have been filed. Learned State counsel, assisted by learned counsel for the Complainant, has argued that there are serious and specific allegations against the petitioner, who had caused fatal injuries to the victim with an iron rod, thereby causing his homicidal death. As many as thirteen injuries were found on the person of victim. The victim had not attacked the petitioner and it is not a case of self-defence. It is, therefore, argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. As per the allegations, the victim-Dinesh, had come outside the house of the petitioner on the fateful day and had opened fire upon Sunil Fozi, uncle of the petitioner, thereby causing him two firearm injuries, which resulted in his death. A pen drive containing video recording of the incident, captured in CCTV camera installed in the vicinity, has been shown to this Court, as per which it was the victim, who had firstly assaulted the uncle of the petitioner and then the petitioner, had come outside his house and had assaulted the victim, by causing injuries with a wooden stick. As mentioned above, as many as thirteen injuries had been caused to the victim. Though the plea taken by the petitioner is that he acted in self-defence, however,



prima facie, it appears to be a case where the petitioner exceeded self-defence. The allegations against him are serious in nature, taking into consideration the gravity of the allegations, the quantum of sentence, which the conviction may entail, and the attendant facts and circumstances but without meaning to make any comment upon the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th August, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No