



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

211

CRM-M-34422-2025

Date of Decision : 12.08.2025

SONU JHAKHAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Gurmandeep S. Sullar, Advocate
for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. Present petition for grant of bail under Section 483 BNSS, 2023 has been filed by the petitioner, who is one of the accused in case FIR No.362, dated 12.06.2023, registered against him and others, under Sections 120-B, 307, 364, 365 of IPC and Sections 25, 54 and 59 of Arms Act, 1959 (Challan was presented under Sections 364, 365, 307, 285, 506, 120-B of IPC and Sections 25, 54, 59 of Arms Act) at Police Station Mujesar, District Faridabad.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Sh. Anil Goyal, son of Mr. Gyanchand Goyal resident of House No.727, Sector 08, Faridabad, set the criminal law in motion by filing a complaint pointing therein that he and his family own 02 shops near liquor vend, situated near Mujesar Gate. One of the shops is a departmental store, whereas in the other shop they sell cold drinks. He takes care of the second shop where the cold



drinks are sold. His brother - Pramod Goyal sits at the departmental store. According to complainant, one of the shops had been rented out to Amit Malik. On 11.06.2023, the said shop had been vacated and the new contractor's men were cleaning the same. Around 10.40-10.50 PM, he (complainant) and his brother were about to close the shop and go back home, when a white coloured i20 car halted near them, Vinod Jhakhhar (co-accused) alighted from the vehicle and instructed him (complainant) to sit in the car. His refusal was not taken kindly and he was forcibly bundled inside the car and made to sit in the rear seat. Sonu Jhakhhar, the present petitioner was also sitting there and was armed with a pistol or a small weapon in his hand. Another person was sitting on the driver seat. Before he (C) could raise an alarm, the car started and when they had covered about 100 meters, he again made a request to the occupants of the car to halt the vehicle, when suddenly the present petitioner (Sonu Jhakhhar) brandished a pistol at him and before he could react, fired a shot at him, which hit him (C) on his chest. He ducked to save himself, resultantly, the shot hit him on his right foot. Complainant alleged that the assailants were questioning him as to why he had rented out the shop to the new contractors and made it clear that in case their dictates are not obeyed, he and his family would be done to death. He was thrown outside the car. Many people had assembled nearby including his brother – Pramod Goyal, who made arrangements and rushed him to hospital.

With this backdrop, complainant requested the police authorities to catch hold of assailants, as also to initiate the criminal proceedings against them. On the basis of the said complaint and the report of the doctor, a formal complaint vide FIR No. 362 dated 12.06.2023 under Sections 365, 364, 307, 120-B of IPC



and Sections 25, 54, 59 of Arms Act was registered against the present petitioner and others and proceedings were set in to motion.

3. Petitioner-accused (Sonu Jhakar) was arrested on 25.03.2024. During interrogation apart from confessing to his involvement in the commission of offence, he got recovered a country made pistol. The other co-accused were also arrested on various dates. On completion of investigation, challan was presented.

4. Bail application of the present accused-petitioner was dismissed by the learned Sessions Judge vide order dated 29.10.2024.

5. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case, allegations levelled against him are all frivolous, which is evident from the fact that complainant-victim (Anil Goyal) and his brother (Pramod Goyal) while appearing in the witness-box as PW-5 and PW-7, respectively did not support the case of the prosecution and refused to identify, the accused-petitioner and others as the assailants. Continuing further, learned counsel submitted that in the wake of this development, lenient view deserves to be taken in favour of the petitioner, who has been in custody since 25.03.2024, as the completion of trial is likely to take long time, for out of 31 prosecution witnesses, only 05 witnesses have been examined so far. There being no apprehension, now, that if extended the concession of bail, accused-petitioner would over-awe complainant and related witnesses. Thus, his further incarceration would not serve any useful purpose. Further petitioner undertakes to abide by all the conditions imposed by the Court, while extending the concession of bail to him.

6. Notice of motion.



7. Ms. Shweta Nahata, DAG, Haryana, accepts notice on behalf of respondent-State. While placing on record the custody certificate of the petitioner, learned State counsel opposed the bail application on the ground that petitioner is a person of questionable past antecedents; being involved in four criminal cases. The present incident was captured in the CCTV footage, in which he can be seen firing a shot at the complainant. Prayer was made to dismiss the present petition.

8. It is settled principle that grant of Bail is the rule and jail is the exception. In Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 5, Hon'ble Supreme Court held as under:-

“27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the ‘Meerut Conspiracy cases’ observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#)



was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in Gudikanti Narasimhulu v. Public Prosecutor [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of Article 21 are the life of that human right.”

29. In Gurcharan Singh v. State (Delhi Administration) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.

*In the case of **Rup Bahadur Magar @ Sanki @ Rabin Vs. State of West Bengal**, Criminal Appeal No.4144 of 2024 decided on 04.10.2024, in a case under Sections 394, 395, 397, 307 readwith 120-B of IPC, Hon’ble Supreme Court granted bail to the accused considering long incarceration undergone by him of 2 years and 9 months.*

*In the case of **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr., (2024) 9 SCC 813**, the Supreme Court while granting bail to accused for 04 years in paragraph Nos.16 and 17 held as under:-*

16. Criminals are not born but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when



dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations

17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”

Recently, a Co-ordinate Bench of this Court in **Neelkamal Singh Alias Billa Vs. State of Punjab** passed in CRM-M-39765-2024 has held that although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

*“Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the*



Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.”

9. In view of the settled position of law as referred above and submissions advanced by learned counsel for the petitioner, but without expressing any opinion on the merits of the case, lenient view is taken in favour of the petitioner, who is allowed the concession of bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission



of the trial Court.

- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

12.08.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No