



**CRM-38648-2025 in/and
CRM-M-41638-2025**

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

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CRM-M-41638-2025
Decided on :25.09.2025**

Sumit

. . . Petitioner(s)

Versus

State of Haryana and anr

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pragyat Bhardwaj, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

Mr. Puneet Bali, Advocate for complainant.

SANJAY VASHISTH, J. (Oral)

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i) Present application has been filed under Section 528 of BNSS, for placing on record testimonies of PW1-Akash and PW2-Sanjeev Kumar Annexures A-1 and A-2.

ii) Notice of the application.

iii) Mr. P.K. Jhanda, Sr. DAG, Haryana and Mr. Puneet Bali, Advocate accept notice on behalf of respondent/State and complainant respectively. They have no objection in case the prayer made in the application is allowed.

iv) For the reasons enumerated in the application, same is allowed and the documents are taken on record as Annexures A-1 and A-



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2. Registry is directed to tag the same at appropriate place with the paper-book.

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1. Present petition has been filed under Section 439 Cr.P.C., seeking regular bail in case FIR No.50 dated 02.03.2025, under Section 109(2) of BNS and Section 25 of Arms Act, registered at Police Station Mundkati, District Palwal.

2. As per allegations in FIR, which was got registered at the instance of complainant-Sanjeev Kumar, petitioner-Sumit fired a shot upon Akash, whereupon injured was taken to hospital by Neeraj and Sunil. During the pendency of the petition, petitioner had filed one compromise deed dated 08.08.2025 having been executed between complainant-Sanjeev Kumar and injured-Akash on one side and petitioner-Sumit and co-accused on the other side. As per the said compromise both the side resolved that infact shot was fired incidently and not intentionally.

3. While hearing the petition on previous date of hearing i.e. 10.09.2025 following order was passed:

“ While arguing the regular bail petition, learned counsel for petitioner refers to the compromise deed dated 08.08.2025 and submits that in fact injured Aakash is 21 years of age and complainant Sanjeev Kumar is 23 years of age. Both have compromised the dispute with the accused involved in the case namely Sumit, Saurabh and Lokesh. As



per compromise, it has been resolved that the shot was fired accidentally and not intentionally by the petitioner Sumit. Co-accused of the petitioner Lokesh, who allegedly procured the fire arm has already been released on bail by the learned Trial Court vide order dated 13.06.2025 (Annexure P-4).

Learned counsel for complainant/respondent no.2 has also endorsed the factum of compromise and correctness of the statement of learned counsel for petitioner regarding the settlement between the parties. However, this Court being informed by learned State counsel that charges were framed on 01.05.2025 and next date fixed before the Trial Court is 17.09.2025 for recording of evidence of prosecution witnesses.

In view of the above, hearing is deferred to 25.09.2025.

The prosecution and learned Trial Court are directed to examine the injured and complainant at the first instance and then the counsel will produce the copies of statements before this Court, on the date fixed.”

4. Mr. Pragyat Bhardwaj, Advocate, while addressing his submissions, further reads out the statements of the injured- Akash and complainant- Sanjeev Kumar, who have already deposed before the learned trial Court as PW1 and PW2, respectively, and are material witnesses in the case. He submits that both the witnesses have turned hostile



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and have not supported the prosecution's case. Rather, during their deposition, both witnesses have clearly expressed their ignorance regarding the incident allegedly caused by the petitioner. Accordingly, he prays for the grant of regular bail to the petitioner.

5. Learned State counsel is unable to dispute the factual position but submits that whether petitioner is actually innocent or not is a matter to be decided by the learned trial Court. He further submits that petitioner cannot be granted any benefit merely because the witnesses have turned hostile. Learned State counsel opposes the bail application on the ground that a weapon used in the crime was recovered from a co-accused.

However, on instructions from ASI Mukesh Kumar, learned State counsel has clarified that petitioner, a young man aged 19 years, has never been involved in any other criminal activity

6. Learned counsel appearing on behalf of the complainant endorses the fact that the dispute has, in fact, been resolved between the parties and has no objection to the petitioner being granted bail on that account.

7. Considering the submissions addressed by learned counsel for the parties and after perusing the conditions, including the compromise document dated 08.08.2025, as well as the statements now placed on record of PW1 and PW2, wherein the witnesses have completely resiled from the incident, and also taking into account that petitioner is a young man aged 19 years who has never been involved in



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any other criminal activity, this Court finds it appropriate to grant relief to the petitioner.

Accordingly, 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

25.09.2025

Rashmi

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