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(223)

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

CRM-M-43289-2025

Date of Decision: 21.08.2025

DHEERAJ SHARMA

... Petitioner

Versus**STATE OF U.T. CHANDIGARH**

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent: Mr. Chajju Khan, Advocate
for the petitioner.

Mr. Manish Bansal, P.P. U.T., Chandigarh.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.160 dated 02.10.2024 registered under Sections 109, 3(5) of BNS, 2023 (Section 61(2) of BNS, 2023 added later on) and Sections 25-27-54-59 of Arms Act at Police Station Sector 34, Chandigarh.

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

“Rajesh, son of Ramashray, resident of House No. 137, Adarsh Nagar, Nayagaon, SAS Nagar, Mohali, aged 40 years, stated that he lives with his family at the said address and operates the Gaushala Taxi Stand near Sector 32, Chandigarh. On the day of the incident around 9:00 PM, he was sitting with his friends Rajat Tiwari, Honey Bhardwaj, Aakashdeep, and Tarun in the parking area next to Sector 32 Hospital, discussing



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arrangements for organizing a langar outside the hospital while having tea, water, and smoking cigarettes. During this, his acquaintance Sunny alias Pandit alias Bhaman came walking up to them and started conversing. Sunny and me are co- accused in some other criminal cases in Chandigarh. Sunny asked Rajesh for money and upon being refused, became abusive and angry. When Rajesh stood up to check the langar site, Sunny suddenly shouted at his companion Kali to kill Rajesh. At Sunny's command, Kali pulled out pistol and fired multiple shots at them, resulting in one bullet hitting Rajesh's brother on the hand and another hitting his friend Honey Bhardwaj. They all ran in panic while Sunny and Kali fled from the backside. Rajesh alleged that Sunny and Kali, in conspiracy, attempted to murder them with a firearm, and he sustained injuries along with his companion Honey Bhardwaj. He affirmed that he could identify the accused upon confrontation and requested legal action against them. The statement was recorded and SD/- Rajesh.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Taking the allegations to be correct, only a Lalkara has been attributed to him and the injuries with a firearm have been attributed to the co-accused Kali. As the petitioner is in custody since 04.10.2024 but only 03 of the 39 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. A status report dated 20.08.2025 by way of an affidavit of Vijay Singh, DANIPS, DSP District Crime Cell has been filed on behalf of the



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State by the learned counsel for the State. The same is taken on record. He contends that the petitioner exhorted the co-accused to fire at the injured and therefore cannot absolve himself of liability. He, however, concedes that the petitioner is in custody since 04.10.2024 and that only 03 of the 39 prosecution witnesses have been examined so far.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 04.10.2024 but only 03 of the 39 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 petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Dheeraj Sharma @ Sunny @ Bhaman @ Pandit S/o Ravinder Sharma 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.

8. The petitioner 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 cases mentioned in the custody certificate dated 21.08.2025.

9. If the petitioner 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.

10. In addition the petitioner (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 petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

21.08.2025

JITESH

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