



CRM-M-52145-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-52145-2025 (O&M)****Reserved on : 22.09.2025****Pronounced on : 24.09.2025**

Sunny Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Lovneet Thakur, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 109, 333, 324(4), 303(2), 191(3), 190 of the Bharatiya Nyaya Sanhita and Sections 25 & 27 of Arms Act, the FIR No.48 dated 21.02.2025, has been lodged in Police Station Division No.7, District Ludhiana. The petitioner is being prosecuted for the commission of abovementioned offences and he has been arrested. The petitioner is still in custody and, therefore, craving for the benefit of bail. This is first petition for bail, filed by the petitioners under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the abovementioned FIR came into being on the basis of statement of complainant Balwinder Singh. In his statement, it was stated by the



complainant that on 21.02.2025 at about 12:30/01:00 pm, when he was present at Grewal Farm and having his licenced rifle, about 20-25 persons with muffled faces forcibly entered his farm by scaling the wall, and few others started breaking the gate. As per complainant, 3-4 persons caught hold of him and after snatching his rifle and pushing him on the floor, made him lie down on the ground. According to complainant, when his associate Arjan Ram came there, the abovesaid persons caught hold of him also, and made him to lie on the ground. It was also stated by the complainant that thereafter they started damaging the building of the farmhouse and also broke the doors of the room and almirah, the LCD, control panel of camera and took away DVR with them.

3. He further stated that Parvinder Singh Bajwa, his brother and some unknown persons came in three cars and one unknown person fired shot from his rifle and Parvinder Bajwa also fired shot with an intention to kill and thereafter, all the assailants fled from the spot. As per complainant, the reason behind the occurrence was that Parvinder Singh Bajwa had a property dispute with the owner of farm for which, he along with his companions forcibly entered the farm with an intention to take forcible possession thereof.

4. This petition has been filed by the petitioner on the ground that he is already in custody for a period of 06 months and 24 days and the benefit of bail has already been afforded to the co-accused.

5. Heard.



6. It has been contended by learned counsel for the petitioner that the petitioner is innocent, and that in the instant case, no injury has been inflicted on the person of complainant or any other person. As per learned counsel for the petitioner, the petitioner has already suffered sufficient incarceration for being in custody since 28.02.2025. It has also been contended by learned counsel for the petitioner that nothing is left to be recovered from the possession of the petitioner, and that the investigation and trial are not likely to be concluded in near future.

7. Per contra, learned State Counsel has argued that offence committed by the petitioner is serious in nature and, therefore, the bail application of the petitioner has rightly been rejected by the learned Court of Sessions. According to learned State Counsel, if released on bail, the petitioner is likely to influence the witnesses. The learned State Counsel on the basis of above submissions has pleaded that in the given-fact situation, the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, for the decision of present petition, following are the factors which are relevant for arriving at any conclusion: -

- (1) that the petitioner is already in custody for a period of 06 months and 24 days;
- (2) that this is a case where no serious injury was inflicted on the person of complainant or any other person;



- (3) that benefit of bail has already been afforded to the co-accused Parminder Singh Bajwa and Sahil Atwal, vide orders dated 10.07.2025 and 10.09.2025, respectively;
- (4) that name of the petitioner does not figure in the FIR;
- (5) that no weapon has been recovered from the possession of petitioner;
- (6) that the trial and investigation are not likely to be concluded in near future;
- (7) that detaining of petitioner in the judicial lock-up is not likely to serve any purpose; and
- (8) that there is nothing on record which can lead to an inference that if released on bail, the petitioner is likely to tamper with the evidence or that he may influence the witnesses.

10. If cumulative effect of all the abovementioned factors is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 24, 2025

Gaurav Thakur

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