



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-316-2025
Decided on: February 18, 2025

Sunil Kumar
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. Amandeep S. Samra, AAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 439 Cr.P.C. (now Section 483 of BNSS, 2023), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Sunil Kumar s/o Mohan Parshad, aged about 24 years	145	13.12.2023	379-B(2), 457 & 34 IPC	Koom Kalan	Ludhiana

2. Learned counsel for the petitioner contends that there were already some other untraced cases pending with the police, and five such cases have been planted against the petitioner, as detailed in paragraph No. 17 of the present petition. In fact, one of the co-accused – Balwinder



Singh @ Bobby was firstly arrested on 13.12.2023, in case FIR No. 268, dated 09.12.2023, under Sections 379-B(2) and 34 IPC (Section 307 IPC added later on), Sections 25/54/59 of the Arms Act, registered at Police Station Jamalpur, Ludhiana. Thereafter, on the basis of disclosure statement suffered by said Balwinder Singh @ Bobby, the petitioner and co-accused Aryan @ Raja were also arrested in case FIR No. 268, dated 09.12.2023 (supra). Thereupon, involvement of the present petitioner has been shown by the police in other untraced cases, including the present case, i.e. FIR No. 145, dated 13.12.2023. Further submits, that in the present case no recovery has been effected from the petitioner, rather, after investigation final report (challan) has also been presented. Co-accused, namely, Aryan Singh @ Raja has already been released on bail by this Court, vide order dated 17.02.2025, passed in CRM-M-2366-2025. Thus, claiming the principle of parity, prayer for grant of bail to the present petitioner has been made.

3. Today, learned State counsel has filed the status report dated 15.02.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place. A copy thereof has been handed over to learned counsel for the petitioner.

4. By referring to the said report, learned State counsel informs that in one case, i.e. FIR No. 268, dated 09.12.2023, one TVS Apache Motorcycle, Black Colour, was recovered on the basis of disclosure statement made by co-accused Aryan @ Raja, and one country made pistol alongwith two live cartridges were recovered from the present petitioner. Further submits that involvement of the petitioner is found to



be there in this case on the basis of disclosure statement of Balwinder Singh @ Bobby (co-accused) and after arresting the petitioner firstly in case FIR No.268, dated 09.12.2023, he is shown to be accused in other untraced cases also, and except of the disclosure statement, there is no other substantive evidence available with the prosecution to connect the petitioner with the alleged crimes.

5. Learned State counsel further submits that petitioner is an habitual offender involved in five different criminal cases, which have also been highlighted in paragraph No. 10 of the status report, and admittedly in none of the cases, petitioner has been convicted.

6. Considering the aspect that the primary evidence available with the prosecution is the disclosure statement either of the co-accused or of the petitioner himself, and proving of the allegations is heavily on the prosecution. For the indefinite period the petitioner cannot be kept behind bars by curtailing his liberty.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 18, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**