

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

2026:PHHC:080467



CRM-M-9496-2026 (O&M).
Date of decision: 21.05.2026.

SAHIL KUMAR @ BHIMA @ BALAD

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Ms. Bhupinder Kaur, Advocate,
for the petitioner(s).

Mr. Paras Talwar, Sr. DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.501 dated 06.07.2021, under Section(s) 307, 506 and 34 of the Indian Penal Code, 1860 (Section 120-B of the IPC added later on) and Section 25 and 27 of the Arms Act, 1959, registered at Police Station Kharkhoda, District Sonipat.

The aforesaid FIR was registered on the statement of Sonu son of Dayanand, resident of village Moi Hooda, Police Station Sadar, Gohana,

District Sonipat which reads as under: -

“I have opened a Dhaba in the name of Triveni Bhojanalay near Pipli toll. My maternal uncle's daughter Neeraj (Monu) son of Satyawar, village Gorad is also a partner in the Dhaba. Today on 06.07.2021 at around 12.30 in the night, I alongwith Monu and Hemant son of Rajendra, Samaspur Majra were sitting inside the Dhaba cabin and were talking, at the same time a young boy wearing a mask came near the hotel cabin and asked me for a cigarette, when I said that I don't have cigarettes, he went back. Then three boys came, all three of them had pistols in their hands. They fired at me, Monu and Hemant with the intention of killing us and all three of us immediately sat down under the cabin. Karna Ram son of Jassu Ram Rajasthan, the driver of vehicle no. GJ-12BT 1495 was paying the money after having his meal, when a bullet hit him in the chest below his right arm and he fell down. We then took him to Kharkhoda Government Hospital for treatment and after treatment the doctor referred him to Rohtak PGI. These three boys whose names and addresses are not known, fired from pistols in their hands and threatened to kill us. And they sat on the bike and fled towards the road. I can identify all three of them if they come in front of me.”

Learned counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 14.12.2021 and as per the custody certificate dated 20.05.2026, he has already undergone an actual custody for a period of 04 years, 05 months and 07 days. She further contends that 10 prosecution witnesses are yet to be examined in the present case. She contends that the material witnesses examined by the prosecution have not supported the case of the prosecution and that no specific role has been attributed to the petitioner.

Therefore, his continuous detention is unwarranted.

State counsel, on the other hand, submits that the petitioner is involved in 11 other cases but does not dispute the custody period already undergone by the petitioner as well as the fact that the material witnesses have not supported the case of the prosecution before the trial Court.

Having heard the learned counsel for the parties, without commenting any further on the merits of the case and taking into consideration solely the period of custody already undergone by the petitioner which is 04 years, 05 months and 07 days as well as stage of the trial where 10 prosecution witnesses are yet to be examined and the material witnesses examined by the prosecution have not supported its case, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

May 21, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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