



CRM-M-14037-2026

1

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

245

CRM-M-14037-2026

Sunny Kumar

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 19.03.2026**Date of Uploading : 20.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Ruchi Bharat, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No.122 dated 24.05.2025, registered for the offences punishable under Sections 109, 118(1) of BNS and Section 118(2) of BNS (added later on) at Police Station Model Town, District Hoshiarpur.

2. The gravamen of the FIR reflects that the complainant namely Shakuntla Kumari, is a resident of Sunder Nagar, Mohalla Bazigar, PS Model Town. It has been alleged that the petitioner had been allegedly harassing the complainant by stalking her from the rooftop of his house. Despite the complainant informing both her husband and the family of the petitioner about his conduct but the petitioner allegedly did not mend his ways. On 21.05.2025, when the complainant apprised her husband about the same, the husband of the complainant, upon returning from the work, went

to the house of petitioner to confront him. It has been further alleged that

**CRM-M-14037-2026****2**

during the course of conversation with the parents of the petitioner, who were standing outside in the street, the petitioner came out of his house armed with a knife; used abusive language and inflicted a blow on the left side of the rib cage of the husband of the complainant with an intention to kill him. As a result thereof, the husband of the complainant (injured) fell down. He was immediately taken to the Civil Hospital and thereafter referred to a private hospital owing to his serious condition.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question on account of a misunderstanding and strained relations between the parties. Learned counsel has further iterated that both the sides were known to each other and were on talking terms, which has been objected to by the husband of the complainant leading to a quarrel. It has been further contended that the incident in question arose out of a sudden altercation and there has been no premeditated intention on the part of the petitioner to cause any injury. According to learned counsel, the injury is the result of an accidental fall during the scuffle and has been subsequently exaggerated. It has been further contended that the statement of the injured has not been recorded at the first instance and was made after due deliberation, thereby casting doubt on the prosecution version. Learned counsel has also submitted that the petitioner is stated to be in custody since 24.05.2025. Learned counsel has further submitted that since the conclusion of the trial is likely to take considerable time, thus, no useful purpose would be served for continued incarceration of the petitioner. Furthermore, it has been contended that the petitioner is a young man and shall undertake to abide by all conditions that

**CRM-M-14037-2026****3**

may be imposed by this Court, including not tampering with the prosecution evidence or influencing witnesses and not leaving the country without prior permission of the Court. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the present petition by arguing that the allegations against the petitioner are grave and serious in nature. It has been further contended that the petitioner is specifically named in the FIR and has been attributed a direct role in inflicting a knife blow on a vital part of the body of the injured. According to learned counsel, the nature of the injury and the manner in which it has been inflicted clearly indicate intention and knowledge on the part of the petitioner to cause serious harm. Furthermore, the injured remained in a serious condition and the injury has been declared grievous. Learned State counsel has emphasized that the trial is at a crucial stage and material prosecution witnesses are yet to be examined. In view of the previous hostility between the parties, there is a strong likelihood that the petitioner, if released on bail, may influence or intimidate the witnesses. Considering the gravity of the offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and



CRM-M-14037-2026

4

the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

*“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or*



*refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"*

This Court also in specific terms held that :

"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."

7. Indubitably, the allegations against the petitioner are grave in

nature. The material which has come on record, at this stage, *prima facie*

**CRM-M-14037-2026****6**

suggests that the petitioner has been named in the FIR. It has been further alleged that the petitioner has inflicted a knife blow on the husband, who fell to the ground. The injury is stated to have been caused on the vital part of the body. The plea of the petitioner that the injury was accidental and occurred on account of a sudden altercation/scuffle is a matter which can only be adjudicated upon during the course of trial and cannot be conclusively determined at the stage of consideration of plea for regular bail. In the considered opinion of this Court, the manner in which the occurrence is alleged to have taken place *prima facie* suggests that the petitioner, who was armed with a deadly weapon, inflicted injury on the vital part of the body of the husband of the complainant which cannot be lightly ignored while considering the prayer for grant of regular bail. The seriousness of the allegations, coupled with the specific role attributed to the petitioner, weighs heavily against the grant of bail. Though the petitioner has been in custody since 24.05.2025 and the challan has already been presented but these factors by themselves are not sufficient to dilute the gravity of the offence alleged against him.

8. It is apt to mention herein that the offence is punishable under Section 109 of BNS and such offences have a serious impact on the Society at large. The intensity and the nature of injury on the person of the victim, which is a stab wound by knife, *prima facie* reflect a complete disregard of human life on the part of the petitioner. The role attributed to the petitioner is not one of a mere bystander but an active participant. The possibility of the petitioner influencing the prosecution witnesses, many of whom are likely to be known to the parties on account of being neighbours, also



CRM-M-14037-2026

7

cannot be brushed aside. The material on record does not persuade this Court to hold that releasing the petitioner on bail at this juncture may adversely affect the progress of the trial.

9. At this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Further, there exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses particularly in light of his previous conduct of evading trial and being declared a proclaimed person.

10. Considering the gravity of the offence, the specific role attributed to the petitioner and the likelihood of his influencing the prosecution witnesses, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

11. In view of the *prevenient ratiocination*, it is ordained thus:

(i) The petition in hand is devoid of merits and is hereby dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency



CRM-M-14037-2026

8

as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 19, 2026
Ajay

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