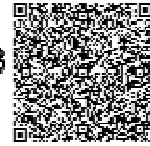


CRM-M-21201-2026

2026:PHHC:077808



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21201-2026

Sunil @ Pehalwan

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: May 18, 2026

Date of Uploading: May 18, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Robin Singh Bhullar, Advocate and
Mr. Jashandeep Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition is the second attempt filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner, in case bearing FIR No.87 dated 08.12.2021, under Sections 302, 34, 120-B of the IPC, 1860 and Section 25 of the Arms Act, 1959, at Police Station Morinda, District Rupnagar.

2. The last bail plea for grant of regular bail was dismissed as withdrawn, vide order dated 11.11.2025.

3. The gravamen of the allegations against the petitioner is that Kulbir Kaur, wife of late Sh. Avtar Chand, alleged that on 08.12.2021, her husband Avtar Singh had gone towards the Government Dairy for supplying milk extracted from the cattle kept at their residence. After delivering the milk,

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while returning with his rickshaw *rehri* loaded with empty milk drums, and upon reaching near the gate of his house at about 7:30 A.M., the complainant was present in the kitchen. At that time, two clean-shaven youths with muffled faces arrived there on a black-coloured motorcycle and started firing gunshots at her husband. On hearing the sound of firing, Kulbir Kaur came outside and saw that the motorcycle-borne assailants, after firing at her husband, fled away towards the Rauni side. Upon raising hue and cry, her paternal uncle-in-law Jaspal Singh, Kulwant Master and Amar Singh reached the spot. Thereafter, arrangements for a vehicle were made and Avtar Singh was taken to Civil Hospital, Morinda, where the doctors declared him brought dead.

4. Learned counsel for the petitioner has argued that the petitioner has been in custody since 19.02.2022 and has already undergone substantial incarceration. Learned counsel has further contended that the petitioner has been falsely implicated in the FIR in question. Learned counsel has argued that the petitioner has not been named in the FIR. Learned counsel has further urged that there is nothing on record available with the prosecution to connect the petitioner with the crime in question and the petitioner cannot be implicated merely on the basis of confession statement of co-accused made before the police, which is not admissible in law.

4.1. Learned counsel has urged that last bail plea of the petitioner was dismissed as withdrawn on 11.11.2025 and thereafter, there is no substantial progress in the trial and the petitioner has suffered extended incarceration. Learned counsel has further submitted that prosecution witness, namely, Kulwant Singh Mast (PW13) despite being confronted with his prior statement,

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in accordance with law, has denied or expressed ignorance regarding essential incriminating circumstances, thereby rendering his testimony unreliable.

4.2. Learned counsel has appended *zimni* orders with the petition in hand as Annexure P-6 (colly) and contended that the trial is procrastinating and the folly thereof is no attributable to the petitioner. Learned counsel has submitted that out of total 37 prosecution witnesses, 15 have been examined and 03 have been given up till date.

4.3. Learned counsel has goes on to state that nothing is to be recovered from the petitioner. Learned counsel has further urged that the petitioner has suffered incarceration for more than 04 years and no useful purpose would be served by keeping him behind bars further. Thus, regular bail is prayed for.

5. *Per contra*, learned State counsel has filed status report by way of an affidavit dated 13.05.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said reply, learned State counsel has submitted that there are serious and grave allegations against the petitioner. Relevant of the said reply reads thus:

“8. *Role of the Petitioner*

That it is respectfully submitted that in the morning 08.012.2021, Petitioner-Sunil @ Pehalwan and his co-accused namely Jatin reached at the village of the deceased-Avtar Singh, on a motorcycle and fired 09 bullets from their firearms upon him in front of the house of the deceased-Avtar Singh and killed him. The Petitioner-Sunil @ Pehalwan and his co-accused worked as contract killers and from their interrogation, it was revealed that they have killed Deceased-Avtar Singh at the instance of Arshdeep Singh Dalla based in Canada and Gurjunt Singh @ Junta based in Australia and the motive to kill Avtar Singh has not been revealed and the motive to kill Avtar Singh can be extracted from Arshdeep Singh Dalla based in Canada and Gurjunt Singh @ Junta based in Australia, after their arrest. It is further submitted that the weapon i.e., 9MM pistol used in the crime was recovered from Sunil Kumar @ Bari (co-accused of the Petitioner) in FIR No. 41, dated 15.02.2022, lodged at PS City Kharar, District Mohali. It is further

submitted that 09 empty cartridge shells recovered from the spot along with the 9MM pistol recovered in FIR No. 41, dated 15.02.2022 was sent for examination to Forensic Science Laboratory, Punjab.

That it is respectfully submitted that as per the Forensic / Ballistic Examination by FSL Punjab, one of the Pistol recovered from Sunil Kumar @ Bari (co-accused of the Petitioner), in FIR No.41 dated on 15.02.2022, and out of the 09 empty shells recovered on 08.12.2021, from the spot in the present case, 05 shells have been found to be fired from the Pistol recovered from the accused-Sunil Kumar @ Bari. The copy of the FSL report dated 25.05.2022 is annexed as Annexure R-1.”

5.1. Learned State counsel has submitted that, in case, the petitioner is granted concession of bail, there is all likelihood that he may abscond from the process of justice as also interfere/ intimidate the prosecution evidence/ witnesses. Learned State counsel has further asserted that upon culmination of investigation, challan has been presented on 10.05.2022 and out of total 37 prosecution witnesses, 15 have been examined and 03 have been given up till date. Accordingly, the dismissal of the present petition is prayed for.

6. I have heard learned counsel for the rival parties and have perused the paper-book.

7. As per prosecution case and upon perusal of material available on record, it is borne out that the specific allegations against the petitioner are that he, along with co-accused Jatin, reached the village of deceased Avtar Singh on a motorcycle and indiscriminately fired multiple shots upon him in front of his house, resulting in his death. The manner in which the occurrence was executed *prima facie* reflects a premeditated and cold-blooded murder carried out in a highly daring manner. The prosecution has further alleged that the petitioner and his co-accused were working as contract killers and, during interrogation, it surfaced that the murder was committed at the instance of Arshdeep Singh Dalla, stated to be based in Canada, and Gurjunt Singh @ Junta, stated to be

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based in Australia. The investigation further reveals that the motive behind the murder is yet to be fully unearthed and further investigation is still underway.

7.1. It is also significant that the weapon of offence, i.e. a 9 MM pistol, was recovered from co-accused Sunil Kumar @ Bari in another FIR and the empty cartridge shells recovered from the spot were sent to the Forensic Science Laboratory for examination. As per the FSL/Ballistic report dated 25.05.2022, out of the 09 empty cartridge shells recovered from the place of occurrence, 05 were found to have been fired from the pistol recovered from the co-accused, thereby lending substantial corroboration to the prosecution case.

8. 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 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.”

9. The petitioner is accused of committing a capital offence punishable with death or imprisonment for life and is facing trial therein. The present case pertains to a heinous and brutal offence of murder, wherein the petitioner and his co-accused is alleged to have fired 09 bullets from their firearms upon the deceased. A perusal of the record further reveals that the offence allegedly committed by the petitioner and his co-accused is grave and serious resulting in loss of human life.

10. As per prosecution case, total 37 prosecution witnesses have been cited and out of which, 15 have been examined and 03 have been given up so far, thereby, unequivocally demonstrating that trial is at a nascent stage.

11. The allegations leveled against the petitioner are specific, grave and were defined, which *prima facie* indicate his active participation in the commission of the offence. In the considered opinion of this Court the very magnitude, brutality and seriousness of the crime clearly disentitle the petitioner to the discretionary relief of bail. In the considered opinion of this Court, 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. Furthermore, there exists a real and tangible apprehension that if enlarged on bail, the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses and the prosecution evidence is still to unfold.

12. Having regard to the nature of accusations, the manner of commission of the offence, the gravity of the crime, and the material collected during investigation, particularly the forensic evidence connecting the weapon used in the crime, this Court finds no merit in the present petition and in the considered opinion of this Court, the petitioner does not deserve the concession of regular bail. Accordingly, the petition is, thus, devoid of merits and is hereby dismissed.

13. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

14. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

15. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 18, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No