



CRM-M-43756-2025 and
CRM-M-5631-2026

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM-M-43756-2025

SAJAN SAHOTA ALIAS SAJAN

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

123-2

CRM-M-5631-2026

SAHIL KAPOOR ALIAS MANNU KAPOOR

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

Decided on :23.02.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gurnoor Sethi, Advocate for the petitioner
(in CRM-M-43756-2025).

Mr. Gurmehar Singh Minhas, Advocate for the petitioner
(in CRM-M-5631-2026).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of this common order, both the aforementioned petitions are being disposed of as they arise out of one common FIR.

2. Petition i.e. CRM-M-43756-2025 has been filed by petitioner-Sajan Sahota @ Sajan under Section 483 of BNSS seeking regular bail in case FIR No. 122 dated 03.11.2024 under Sections 103(1), 109, 190, 191(3) of BNS and Sections 25,27 of Arms Act (Sections 238 3(5) fo BNS were added lateron on and Sections 190 and 191(3) of BNS were deleted)., registered at Police Station Division No.3, Police Commissionerate Jalandhar.



**CRM-M-43756-2025 and
CRM-M-5631-2026**

2

3. Petition i.e. CRM-M-5631-2026 has been filed by petitioner- Sahil Kapoor @ Mannu Kapoor, seeking regular bail in case FIR No. 122 dated 03.11.2024, under Sections 103(1), 109, 190, 191(3), 238, 3(5) of BNS and Sections 25-27-54-59 of Arms Act, registered at Police Station Division No.3, Jalandhar.

4. On hearing learned counsel for the petitioner (in CRM-M-43756-2025) on 03.02.2023 following was recorded:

“CRM-4638-2025

I. This is an application filed u/s 528 of BNSS, 2023, for placing on record the testimony of the witnesses PW1 (Sunny Kalyan) & PW (Ishu Kumar) as Annexures A-1 & A-2.

II. Notice of this application.

III. On asking of the Court, learned State counsel, who is present in the Court, accepts notice for the non-applicant/respondent State and pleads no objection to the prayer made in the application.

IV. Allowed as prayed for. Testimony of the witnesses, i.e., PW1 (Sunny Kalyan) & PW (Ishu Kumar) filed along with application as Annexures A-1 & A-2, respectively, are taken on record. Office to tag the same at appropriate place.

V. CRM stands disposed of.

CRM-M-43756-2025

1. Initially, as per the FIR, total eight accused were named by the complainant – Sunny Kalyan, i.e., (i) Sahil Kapoor @ Manu Kapoor, (ii) Sajan Sahota @ Sajan, (iii) Manav, (iv) Nannu Kapoor, (v) Dr. Kohli alias Lovish Kohli, (vi) Chakshit Randhawa,



CRM-M-43756-2025 and
CRM-M-5631-2026

3

(vii) Gangi, (viii) Kaka Chacha and (ix) 5-6 unknown persons

During investigation, the named accused, namely, Rakesh Kapoor @ Dhillu, Rajesh Kumar @ Kaka Chacha, Manav Kumar, Karan Kapoor @ Nannu, Pushap Parag Kohli @ Doctor and Subhash Arora @ Gaggi, were found innocent.

2. *During the course of short hearing, it is pointed out that Rishabh @ Badshah is the deceased in the present case, who allegedly died due to the shot fired by co-accused Sahil Kapoor @ Manu Kapoor. The role attributed to the petitioner – Sajan Sahota @ Sajan, is of firing a shot upon the injured – Ishu Bamotra in his stomach. The complainant – Sunny Kalyan, injured – Ishu Bamotra, along with another eye-witness Sahil Handa, have turned hostile and refused to identify the accused present before the Court.*

3. *As per custody certificate dated 02.02.2026 submitted by the State, the present petitioner – Sajan Sahota @ Sajan, is found to be involved in a total of seven cases and his co-accused – Sahil Kapoor, is also involved in seven cases.*

Let the Court be apprised about the past antecedents of the deceased – Rishabh @ Badshah and the injured – Ishu Bamotra as well, besides those of the present petitioner.

4. *List again on 23.02.2026.”*

5. Learned counsel for the petitioner reiterates his submissions that since one of the material witnesses, including the injured, has resiled



**CRM-M-43756-2025 and
CRM-M-5631-2026**

4

from the prosecution version, no evidence remains on record warranting the continued incarceration of the petitioner.

He further submits that only three accused were challaned by the Investigating Agency upon completion of the investigation, and one of them, namely Chakshit Sachdeva, has already been granted bail by this Court vide order dated 19.05.2025 (P-8), as no specific role or motive was attributed to him. Accordingly, learned counsel pray for the grant of bail to the petitioners.

6. On the other hand, a joint status report dated 22.02.2026 has been filed in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

Learned State counsel submits that both the petitioners are habitual offenders and, therefore, no leniency ought to be shown to them for the purpose of grant of bail.

However, learned State counsel is unable to controvert the submissions advanced on behalf of the petitioners, particularly the position borne out from the record that the eye-witness, including the injured Ishu Bambotra, has turned hostile.

7. I have heard learned counsel for the parties and perused the paper-book as well as the documents appended thereto.

8. Considering the averments addressed by learned counsel for the parties, it is noticed that petitioner-Sajan is in custody since 22.11.2024, and petitioner-Sahil is in custody since 03.11.2024.



**CRM-M-43756-2025 and
CRM-M-5631-2026**

5

Statements of Sunny Kalyan (PW1), injured Ishu (PW2), and Sahil Handa (PW3), all dated 23.12.2025, are on record. All three witnesses have turned hostile and have failed to identify the petitioners.

Consequently, it remains a moot question for the trial court whether the petitioners are the actual assailants or whether the act was committed by someone else.

In view of the above, and considering that the prosecution witnesses, including the injured, have failed to identify the petitioners while appearing before the Court, this Court finds merit in the prayer of the present petitioners.

Consequently, present petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. Petitions stand disposed of.



**CRM-M-43756-2025 and
CRM-M-5631-2026**

11. A photocopy of this order be placed on the file of another connected case.

**(SANJAY VASHISTH)
JUDGE**

23.02.2026

Rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*