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

CRM-M No.43231 of 2025

Date of Decision: 21.01.2026

Sunny Kumar @ Sunny Phogat**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.69 dated 10.03.2024 under Sections 420, 411, 483, 302/34 and 120-B of IPC and Section 25 of Arms Act, registered at Police Station Murthal, District Sonapat.

2. Succinctly, facts of the case are that the FIR was registered on the statement of the complainant, namely, Sunil Kumar. It was alleged in the FIR that aunt of the complainant, namely, Patasho Devi has two daughters and one son, namely, Sunder 37 years old, who was a liquor contractor. On 10.03.2024, at about 10:00 a.m., he got a call from his uncle Sandeep that Sunder had been shot dead at Gulshan Dhaba, Murthal. On receiving the information, he reached the said place and found Sunder lying dead drenched in blood at Gulshan Dhaba. It was



alleged that the complainant had conversation with Sunder about four days ago, who told him that Shyama, Ajay etc. had attacked him and he had a threat to his life from them. It was suspected that Ajay and Shyama had hatched a conspiracy and got him murdered. Request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. During the investigation, name of the petitioner was also surfaced in the commission of offence and he was also arrayed as an accused in the FIR. He was arrested on 12.03.2024. The petitioner approached the Court of learned Additional Sessions Judge, Sonapat praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 24.07.2025. Hence, the petitioner approached this Court praying for grant of bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He has submitted that neither the petitioner is named in the FIR nor there is any overt act attributed to him. He submits that during the investigation, he has been roped in the present case only on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He submits that the only allegation against the petitioner is only of *racee* which does not involve any overt act of violence or participation in the act of murder. To buttress his arguments, he has submitted that co-accused Naresh @ Nesha has been granted bail by this Court vide order dated 09.01.2025 passed in CRM-M-37045-2024. He



thus, submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has produced the custody certificate of the petitioner. It is submitted that during investigation, the complicity of the petitioner was duly established in the present case as he was involved in *racee* of the vehicle of Sunder (deceased). He has submitted that the recovery of one GPS, two GPS charger, two country made pistol of .32 bore with 4 live cartridges, one magazine, have been effected from the petitioner. He has thus submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the complicity of the petitioner was duly established during the investigation as actively participated in the criminal conspiracy to commit murder of Sunder. Recovery of one GPS, two GPS charger, two country made pistol of .32 bore with 4 live cartridges, one magazine etc. were effected from the petitioner and thus, there is no parity between the petitioner and co-accused Naresh @ Nesha, who has been granted bail by this Court. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 09 months and 28 days as on 19.01.2026. It further reflects that the petitioner is involved in 05 more cases which are registered for the similar offences, out of which, he is still in custody in 04 cases.



6. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail, at this stage. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.01.2026

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

(RAJESH BHARDWAJ)
JUDGE