



CRM-M-43441-2025

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

CRM-M-43441-2025 (O&M)

Date of Decision: 13.03.2026

Sunil Kumar @ Baba

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shivender Pal, Advocate for
Mr. B.S. Bhalla, Advocate, for the petitioner.
Mr. Raj Karan Singh, AAG, Punjab.
Mr. Rahul Sharma, Advocate for
Ms. Navjot Kaur, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)**CRM-3321-2026**

Allowed as prayed for.

Main case

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.242 dated 15.11.2024, registered under Sections 115(2), 333, 109 BNS, 2023 and Sections 25 and 27 of Arms Act, at Police Station City Moga, District Moga.
2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant, namely, Sonu @ Mogli. It as alleged that on 13.11.2024 at about 11:30 p.m., when he alongwith his brother Barjesh Kumar and other family members were sleeping, then Varinder armed pistol, Sikander armed with pistol, Jagdev Singh @ Joga armed with country made pistol, Dev armed with iron rod, Sunil @ Baba (petitioner) armed with pistol, Sunny Data @ Manjit Singh armed with DBBL gun, Beeshu, Anmol, Akash armed with pistol alongwith 10 other



unidentified persons came on 3-4 vehicles. They trespassed into their house after jumping over the boundary wall. Thereafter, Sunil @ Baba raised *lalkara* and Sunil Data fired shots from his DBBL gun towards his brother which hit on his abdomen and shoulder. Others also caused injuries to him and his brother, due to which they fell down. On raising alarm, all the assailants escaped from the spot alongwith their respective weapons. The injured were shifted to Civil Hospital, Moga from where they were referred to Guru Gobind Singh Medial College and Hospital, Faridkot. Thus, request for taking legal action against all the accused. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 20.11.2024. The petitioner approached the Court of learned Additional Sessions Judge, Moga 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 28.05.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that as per the case of the prosecution, the petitioner has been alleged to be armed with pistol, however, injuries caused under Section 307 IPC are attributed to the co-accused and not to the petitioner. He submits that the petitioner has only raised *lalkara*. He further submits that as the petitioner is involved in other cases, the present case has been planted upon him. He submits that the petitioner is behind the bars from the last more than one year. He further submits that the investigation is complete. He



submits that though the petitioner is involved in other cases, however, in four cases, he has been acquitted and in other cases, he is on bail. He has also submitted that even otherwise, after the registration of the FIR, both the parties have amicably resolved their dispute by way of compromise. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned counsel for the complainant has affirmed the fact that after the registration of the FIR, the parties have amicably resolved their inter-se dispute by way of compromise.

5. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is a habitual offender. He played an active role in the present case as he was armed with pistol and fired shots at complainant side. However, he submits that fire arm injuries suffered by the injured are attributed to the co-accused. On instructions, he submits that the investigation is complete. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that though the petitioner was alleged to be armed with pistol, however, fire arm injuries have been attributed to the co-accused. Investigation already stands completed. As submitted by learned counsel for the petitioner as well as counsel for the complainant, the dispute between the parties has already been resolved amicably by way of compromise. The custody certificate would show that the petitioner has suffered incarceration of 01 year 03 months & 13 days as on 12.03.2026. It further shows that the petitioner is involved in 23 other cases, however, he is on bail in 13 cases



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and acquitted in four cases, whereas, in two cases he has undergone the sentence awarded to him.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

13.03.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No