



CRM-M-57601-2024 and CRM-M-778-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57601-2024

Sunny alias Kachra

.....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-778-2025

Ankur @ Nona

.....Petitioner

Versus

State of Haryana

.....Respondent

Decided on: 19.01.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. DS. Matya, Advocate
for the petitioner(s) (in CRM-M-57601-2024)

Mr. Prateek Rathee, Advocate
for the petitioner(s) (in CRM-M-778-2025).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

1. By way of this common order, both the above-mentioned petitions are being decided together as they arise out of the same FIR and common allegations.
2. CRM-M-57601-2024 arises out of **FIR No. 159 dated 26.03.2021**, registered at Police Station Rajendra Park, Gurugram, District Gurugram, under Section 302 read with Section 34 IPC and Section 27(1), 25(1B)(a), 25(1B)(c) and 25(1B)(e) of Arms Act and CRM-M-778-2025 arises out of **FIR No. 159 dated 26.03.2021**, registered at Police Station Rajendra Park, Gurugram, District Gurugram, under Section 302, 201 and 34 IPC and Section 25(1-B)(a) of Arms



Act, 19598 (Section 506 IPC and Section 27(1) of Arms Act were added later on).

3. Before proceeding further, it is noticed that first bail petition i.e. CRM-M-31912-2022 filed by the petitioner–Sunny alias Kachra was dismissed as withdrawn on 17.04.2023 (Annexure P-8).

4. The FIR was registered on the statement of complainant-Amit Gulia, brother-in-law of the deceased Shubham Nehra alleging as under:-

“xxx Stated that I am the resident of above said address and serving as sepoy at police station Mudka in Delhi Police. About 11 years ago, I was married with Sonam D/o Ranbir Singh, r/o House no. 45/2, Devi Lal Colony, Gurugram. My wife Sonam is elder and my sister in law Annu is younger and she is also married. I have one brother in law, whose name is Subham Nehra. My father-in law is ill for the last 8-10 years and used to stay at home. My mother in law Krishan has opened a grocery shop at home. My brother in law Subham used to assist in the shop and used to stay at home who has passed 10th class. On 25.03.2021, his brother in laws had gone out of his at about 10.00/10.30 p.m. on his scooty and today he has been informed on phone tht his brother n law has been shot dead by some unknown persons and they have thrown his body near Barfiwala on the left side of the road coming from Chandu Budehera to Gurugram. On receiving the information he has come to the spot and saw the dead of his brother in law which has wound on the right side of his head and a lot of blood was coming out. His brother in law also has bullet wound near his naval. My brother in law has been killed by some unknown persons by firing shot and has put the dead body near the road. Legal action be taken against unknown persons. Statement has been got recorded, read over and admitted to be correct. Sd/ Amit Gulia xxx”

5. As per case of the prosecution, co-accused of the petitioner(s)- Akhil alias Akki was also attributed almost similar role by the prosecution that is of

firing gun shot upon Shubham (now deceased) from his country-made pistol. From



possession of accused Akhil alias Akki, two country made pistols (desi katta), one bullet, one empty cartridge and one Apple I-phone were recovered. Apart this, he also got recovered clothes and shoes worn by him at the time of committing crime.

6. Learned counsel for the petitioner(s) contends that said accused Akhil alias Akki has already been released on bail by virtue of the order dated 25.10.2024 passed by Coordinate Bench of this Court in CRM-M-52122-2024 (Annexure P-6). He further argues that now built up case of the petitioner(s) is that all the three accused persons have fired gun shot upon Shubham (now deceased) and as per the stand now taken by the State, it was a pistol recovered from the petitioner-Sunny @ Kachra, which matched with the bullets detected from the body of the deceased. However, counsel for the petitioner argues that, the pistol which is shown to be recovered from the petitioner, is marked as W-1 and W-4, and there is nothing in the final investigation report to depict as to how the pistol which was sent to the FSL can be connected with the petitioner.

Further, it is argued that both the petitioners are inside jail for the last more than a period of 04 years and 10 months and there is long list of witnesses i.e. total 48 prosecution witnesses in number and only 12 prosecution witnesses have been examined till date. As far as factum of registration of multiple number of cases is concerned, counsel submits that said disqualification was there, while hearing the bail petition of co-accused Akhil @ Akki as well as which is recorded in paragraph No. 6 of the order, therefore, petitioners herein can not be treated differently, causing discrimination with the right of concession of bail, though of discretionary in nature.

7. On the other hand, learned State counsel, while opposing the prayer for bail, submits that one pistol which was recovered from possession of accused,

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Sunny @ Kachra (petitioner in CRM-M-57601-2024) is found to have been used in the crime, and apart this he is involved in about 24 criminal cases, therefore, he can not plead innocence, even at this stage because there is ample evidence regarding the proving of crime against him. He also argues that accused Ankur @ Nona (petitioner in CRM-M-778-2025) is also facing number of other criminal cases and he is also alleged to have fired shots upon Shubham (now deceased). Thus, learned State counsel states that they do not deserve concession of bail and prays for dismissal of bail petitions.

8. I have carefully considered the submissions addressed by the respective counsel, including the granting of bail to co-accused Akhil @ Akki (Annexure P-6).

9. Ordinarily, looking at the allegations, this Court could not have considered the submissions addressed by counsel for the petitioner, with the reasons sufficiently granting bail, however, noticing the fact that, petitioner(s) have already suffered incarceration period of more than 04 years and 10 months and only 12 prosecution witnesses have been examined out of total 48 and conclusion of trial will take considerable time, therefore, this Court considers it necessary to look into the aspect, as to how the accused persons [(petitioner(s))] can be detained in custody without proving of the guilt for an indefinite period.

10. For the said purpose, this Court requires to look at the order dated 25.10.2024, with regard to the grant of bail to co-accused Akhil alias Akki, wherein the role of said accused has also been recorded and which is reproduced here under:

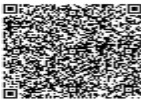
“4. Role of the petitioner has been mentioned in the status report filed by way of affidavit of Assistant Commissioner of Police, West, Gurugram in CRM-M No.23216 of 2023 and the same reads as



under:

“13. That the role of the petitioner Akhil @ Akki in the present case is that while committing the present crime, he had fired the gunshot from his countrymade pistol to deceased Shubham. The petitioner Akhil @ Akki got recovered two countrymade pistols (desi katta), one bullet, one empty cartridge and one Apple I-phone which were taken into police possession. He further got recovered the clothes and shoes worn by him at the time of occurrence.”

- 5. Counsel for the petitioner submits that the alleged recovered pistol/cartridges from the petitioner have not matched the bullet detected from the body of the deceased and the same has matched the pistol recovered from Sunny @ Kachra. So far as the prosecution witnesses are are concerned, the same have not supported the story of the prosecution. The petitioner is behind bars for more than 3 years, 6 months and 19 days. In trial, material witnesses already stand examined. Thus, the petitioner shall be entitled for grant of bail.*
- 6. Per contra, State Counsel refers to the criminal antecedents of the petitioner and submits that the petitioner is facing multiple FIRs and does not deserve grant of regular bail. However, he is not in position to dispute the fact that so far as the ballistic report is concerned, the same does not indict the present petitioner as the stand of the State has already come on record in the earlier status report.*
- 7. I have heard counsel for the parties and have gone through records of the case.*
- 8. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that the material witnesses stand examined and scientific evidence prima facie does not incriminate the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the*



satisfaction of the Trial Court/Duty Magistrate concerned.”

11. Apart this, two of the witnesses namely Meghant (PW-5) and Tarun Taneja (PW-6) have not supported the case of prosecution and have been declared hostile on completion of examination-in-chief.

12. Considering the period of incarceration and the likelihood of consumption of a considerable period of time in exhausting of the list of remaining prosecution witnesses, the present petitions are allowed. Petitioners namely, Sunny alias Kachra (in CRM-M-57601-2024) and Ankur @ Nona (in CRM-M-778-2025) 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

13. Needless to observe that the petitioner(s) shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

14. Any of the discussion done and recorded here above, 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.

15. Both the petitions stand disposed of.

16. A photocopy of this order be placed on the file of other connected case.

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19.01.2026
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(SANJAY VASHISTH)
JUDGE

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