

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-70864-2025 (O&M)

Date of Decision: 10.03.2026

SUSHIL GUPTA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. J.S. Thakur, Advocate
for Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Vinay Malhotra, D.A.G., Punjab.

SANJAY VASHISTH, J. (ORAL)

Petitioner-Sushil Gupta, aged 23 years, has filed the instant petition under Section 483 of the BNSS for grant of regular bail in case FIR No.10 dated 15.01.2025, registered under Sections 103, 3(5) of the BNS of 2023, later on added Section 61(2) of the BNS of 2023, at Police Station Haibowal, Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and as per the allegations, petitioner is stated to have caused injury on the arm of the deceased-Gurmail Singh but as per the PMR, there is no such injury on arm of deceased.

Learned counsel submits that main role is attributed to accused Sonu, who threw the brick which caused injury, and thereupon, resulted into the death of Gurmail Singh (father of the complainant). Admittedly, none of

the accused was armed with deadly weapons, rather, a brick has been thrown, which in fact, might be already lying on the spot. Therefore, it would be a moot question before the trial Court at the time of its final decision, whether the offence in the present case is actually of causing murder, or culpable homicide not amounting to murder.

He further submits that petitioner has no prior involvement in any other similar incidents and petitioner is in custody for the last more than one year, therefore, personal liberty of the petitioner cannot be curtailed for an indefinite period. Moreover, similarly placed co-accused Nanu Gupta and Anmol Arora @ Bony have been granted concession of regular bail vide common order dated 26.08.2025 passed by this Court in ***CRM-M-31104-2025*** and ***CRM-M-32736-2025***, respectively. Thus, prays for grant of bail.

3. Learned State counsel, produces the custody certificate dated 09.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 01 month and 8 days period inside jail and there is no other case registered against him.

4. On the other hand, learned State counsel, on instructions from ASI Sukhjinder Singh, informs that after completion of investigation, challan has been presented and charges have been framed and out of total 21 prosecution witnesses, none has been examined. He argues that there are specific allegations against the petitioner. Petitioner has also participated in

the commission of the offence and caused injuries, therefore, prays for dismissal of the bail.

5. After hearing learned counsel for the parties and perusing the relevant material on record, this Court finds that the main injury, which led to the unfortunate death of the complainant's father is specifically attributed to co-accused Sonu Gupta. It is also not in dispute that petitioner is in custody for the period of last 01 year 01 month and 8 days and out of total 21 prosecution witnesses, none has been examined, indicating that the trial is likely to take considerable time.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his 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.

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

8. 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.

9. Petition stands disposed of.

March 10, 2026
gurpreet

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No