

2026.PHHC.046659



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision: 24.03.2026

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| 1. CRM-M-134-2026 | SAHIL SAINI V/S STATE OF PUNJAB |
| 2. CRM-M-63968-2025 | GULSHAN KUMAR V/S STATE OF PUNJAB |
| 3. CRM-M-67709-2025 | SUNIL SAINI V/S STATE OF PUNJAB |

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gaurav Kalsi, Advocate and
Mr. Munish Puri, Advocate for the petitioners.
Mr. Manipal Singh Atwal, DAG, Punjab.
Mr. Divyansh Vats, Advocate for the complainant.

AMAN CHAUDHARY, J. (Oral)

1. The present petitions filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioners in case FIR No.170 dated 28.09.2025, registered under Sections 109, 351(2), 191(3), 190, 111 (Sections 253 and 118(2) added later on) BNS and Section 25 of the Arms Act, at Police Station Division No.2 Pathankot, District Pathankot.
2. Learned counsel submits that the petitioners have been in custody for 5 months, 20 days. Their names surfaced based on the disclosure statement of co-accused Divyansh @ Anshu who has been granted bail by the trial Court vide order dated 13.11.2025. The gun shot injury has been attributed to Dalveer and Manav, on the wrist of the complainant. The compromise has been arrived at between the parties. Challan has been presented on 28.12.2025, charges have not been framed and in all there are 22 PWs. Petitioner-Sunil Saini is involved in one more case, which was registered during the pendency of the present petition, wherein he is on bail, while the remaining two petitioners, in 5 cases, in one of which, stand acquitted and on bail in other cases. Reliance is placed on the

judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel and learned counsel for the complainant oppose the bail on the ground that there are specific allegations against the petitioners of having actively participated in the commission of offence in connivance with each other, being part of the unlawful assembly. However, learned State counsel is unable to controvert the submissions with regard to custody, stage, petitioner-Sunil Saini being on bail in another case, while others being in 5 cases, stand acquitted in one and on bail in remaining.

4. Learned counsel for the complainant submits that the compromise has been effected between the parties.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

7. Considering the facts and circumstances of the cases, in particular that the petitioners are in custody for last 5 months & 20 days; petitioner-Sunil Saini on bail in another case and others stand acquitted in one case and on bail in

remaining four cases; compromise has been effected between the parties; challan stands presented on 28.12.2025, charges are yet to be framed and there are total 22 PWs, the trial is likely to take a considerable time, further incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, the present petitions are allowed.

8. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile numbers by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as

granted to the petitioners by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

11. Photocopy of this order be placed on the connected file.

24.03.2026

ashok

Whether speaking/reasoned
Whether reportable

(AMAN CHAUDHARY)
JUDGE

: Yes/No
: Yes/No