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

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Date of decision: 14th May, 2026

Sunil @ Sunil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Ms. Deepika, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 08 dated 11.01.2026 registered under Sections 109(1), 115, 126, 190, 191(3), 324(4) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 61(2) of BNS added later on) and Section 25 of Arms Act, 1959 at Police Station Sahlawas, District Jhajjar.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Harsh Kumar Gautam alleging therein that on 10.01.2026, he had gone to village Redhuwas to bring his maternal grandmother back from the house of her maternal aunt (*masi*). He



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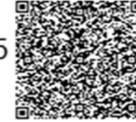


had reached there along with his friends in a Creta vehicle belonging to one of his friends, who accompanied him in another Verna vehicle. When they reached near the house of his maternal aunt, he found the petitioner accompanied by the co-accused to be present in the street. All of them stopped their way. As soon as the complainant alighted from the Creta vehicle, accused Manish Kumar made an exhortation proclaiming that the complainant was the cousin brother of Kapil and asked Lala and Jaila to shot him. The complainant then heard sounds of some shot being fired from the roof of the abutting house. To save himself, he sat down due to which he had a narrow escape as the bullet passed just above his head. He started running to save himself but the petitioner and the co-accused restrained him and opened an assault upon him by striking blows with *lathis, dandas, jailies* and iron rods. They damaged his vehicle. Accused Nasib kept a pistol on his abdomen and proclaimed that they would kill the entire family of Kapil. The complainant and his companions somehow saved themselves by managing to flee. The motive attributed to the assailants was some land dispute between his cousin brother Kapil and the accused Satbir @ Satte, Maan Singh, Dilbagh and Kundan Lal. After registration of FIR, investigation proceedings have been initiated and are underway. The accused Navin @ Lalu, Satbir @ Satte, Devender, Depanshu and Jaibir @ Jelly have since been arrested and investigation qua them stands completed. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Jhajjar, which was dismissed vide order dated 10.04.2026.



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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No firearm injury had been sustained by the complainant in this case. The petitioner has also not been attributed any specific weapon or injury to him. A compromise has been effected between the complainant and petitioner. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. It is, thus, argued that he deserves to be extended benefit of pre-arrest bail.

4. Learned State counsel while relying upon the status report has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be given benefit of anticipatory bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. Learned counsel for the complainant has affirmed the factum of compromise as well as the fact that a petition for quashing of the FIR by way of compromise has been filed and the statements of the parties have been recorded in the same.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have voluntarily caused injuries on the person of the complainant Harsh. The injuries so sustained have been opined to be simple in nature. No firearm injury had been sustained by the complainant. Most of the co-accused have been extended benefit of bail. Given the nature of the allegations as levelled against the petitioner and the



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fact that no specific role or injury has been attributed to him, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. Even otherwise, it is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to anticipatory bail subject to his surrendering before the Arresting/ Investigating Officer within a period of 10 days from today and on his joining investigation and further subject to furnishing bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th May, 2026

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*