



CRM-M-62452-2025

1

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

108

CRM-M-62452-2025

Amit Gulia

...Petitioner

V/s

Central Bureau of Investigation

...Respondent

Date of decision: 16.04.2026**Date of Uploading: 16.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Jitender Sethi, Senior Advocate with
Mr. Keshav Sethi, Advocate for the petitioner.

Mr. Akashdeep Singh, Special Public Prosecutor, CBI.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita for grant of regular bail to the petitioner in case bearing FIR No.RC0502024S0005 dated 01.05.2024, registered for the offences punishable under Sections 302, 307, 120-B, 34 of IPC and Sections 25, 27 of Arms Act at Police Station CBI/SC-II/Delhi (arising out of Original FIR No.37/2024 dated 26.02.2024 at Police Station Line Par Bahadurgarh, Jhajjar, Haryana).

2. The prosecution case, in brief, is that on 25.02.2024 at about 5:15 PM, an incident of indiscriminate firing took place near Barahi Railway Crossing, Bahadurgarh. The complainant namely Rakesh @ Sanjay son of Shri Diwan Singh, resident of Sector-6, Bahadurgarh, Haryana, who was travelling in a Toyota Fortuner alongwith deceased Nafe Singh Rathee and Jai Kishan Dalal and another injured person, was intercepted by assailants travelling in a Hyundai i-20 car. It has been

alleged that 4-5 armed assailants came out of the vehicle and opened fired



resulting in the death of Nafe Singh Rathee and Jai Kishan Dalal on the spot while two others sustained serious injuries. The assailants also issued threats to the family members of the deceased.

Initially, FIR No.37 dated 26.02.2024 was registered. Subsequently, the investigation was transferred to the CBI, which registered the instant FIR on 01.05.2024. After investigation, a charge-sheet was filed against the petitioner alongwith co-accused persons for offences including murder, attempt to murder and criminal conspiracy.

3. Learned senior counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as there is no substantial evidence against him which connect him with the alleged offence. Learned senior counsel has further iterated that the name of the petitioner surfaced only during the course of investigation on the basis of disclosure statement(s) of co-accused which have no evidentiary value in the absence of independent corroboration & cannot form the sole basis for continued incarceration. It has been further submitted that there is no eyewitness account or documentary material which links the petitioner to the commission of the offence. According to learned senior counsel, no recovery of weapon, mobile phone or any incriminating material has been effected from the petitioner nor any recovery has been effected at his instance. Learned senior counsel has emphasized that the allegations against the petitioner is that he has facilitated communication from jail is factually incorrect and is itself contradicted by official records which categorically deny any recovery of mobile phone/device. Assuming arguendo, even if the prosecution case is taken to be true, the role ascribed



accused persons which does not establish any meeting of minds necessary to constitute criminal conspiracy. It has been further contended that petitioner has been in custody for a substantial period and the trial is likely to take considerable time as several accused are absconding and investigation is still going on. Learned senior counsel has emphasized that continued incarceration of the petitioner in such circumstances would serve no useful purpose. Moreover, the petitioner is not at flight risk and undertakes to abide by any condition(s) that may be imposed by this Court in case he is granted the concession of regular bail. On the strength of these submissions, prayer has been made for grant of regular bail to the petitioner.

4. Learned counsel appearing for the respondent-CBI has vehemently opposed the petition in hand by arguing that the allegations against the petitioner are grave and serious in nature. Learned counsel has iterated that the present case pertains to a brutal double murder being carried out in a premeditated and organized manner wherein two persons have lost their lives and others sustained grievous injuries due to indiscriminate firing in a public place. According to learned counsel, the petitioner has actively participated in the criminal conspiracy as during the course of investigation sufficient material has surfaced which reflect that the petitioner was in constant touch with co-accused persons and played a crucial role in facilitating the execution of the crime. Learned counsel has emphasized that the petitioner has not only arranged the shooters but also facilitated the logistics including coordination for the vehicle used in the offence. It has been contended that the role ascribed to the petitioner has been established from the statement(s) of co-accused as well as other witnesses recorded



already been filed against the petitioner and other co-accused and charges have already been framed by the Court below. The trial has commenced and prosecution witnesses are being examined and, thus, there exists a strong *prima facie* case against the petitioner. However, investigation is still going on *qua* other absconding accused persons and in such a situation the grant of bail to the petitioner may seriously prejudice the ongoing investigation. Furthermore, the petitioner has criminal antecedents as he is involved in several other serious criminal case including offences of similar nature. It has been contended that petitioner is associated with a criminal gang and there is strong likelihood that if released on bail, he may influence witnesses, tamper with evidence or evade the process of law. Accordingly, a prayer has been made for the dismissal of the petition in hand.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated, and any reasonable apprehension of the accused tampering with evidence or influencing witnesses.

Additionally, the character, antecedents, financial means, societal standing,

and overall conduct of the accused play a crucial role. Furthermore, the



Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) : 2001(4) SCC 280*** and ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) : 2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*



*c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram GovindUpadhyay v. Sudarshan Singh**, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and **Puran v. Ram Bilas**, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338."*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra**, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143, this Court observed :*

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."

7. The petitioner is accused of committing a capital offence and is facing trial therein. Indubitably, the present case pertains to a cold-blooded double murder executed in a public place by use of firearms which resulted not only in loss of two lives but also created an atmosphere of fear. As per the prosecution case, the role attributed to the petitioner is that he was involved in the criminal conspiracy leading to the commission of the



offence. It is alleged that the petitioner, acting on the instructions of the main conspirator, facilitated contact between co-accused persons and helped in arranging the shooters. Even if the role of the petitioner is not of a direct assailant but his involvement cannot be said to be insignificant. In the considered opinion of this Court, in cases of criminal conspiracy, every person who contributes to the planning or execution of the crime plays an important role. The offence is not limited only to those who commit the crime but also includes those who support the commission of the crime. Merely because the petitioner is not present on the spot does not entitle him to the concession of bail particularly when the allegations show his involvement in the larger conspiracy. This Court cannot lose sight of the fact that the allegations pertain to an organized conspiracy culminating in a double murder. The gravity and seriousness of the offence are relevant factors while considering the plea for grant of regular bail. The argument advanced on behalf of the petitioner regarding the prolonged incarceration does not persuade this Court. It is apt to mention herein that charges have already been framed and trial has commenced. The mere fact that some co-accused are absconding or further investigation is ongoing in respect of them cannot be a ground to grant bail when the role attributed to the petitioner stands *prima facie* supported by material collected.

8. Indeed, the petitioner has suffered incarceration for substantial period but the same factum by itself is not sufficient to extend the concession of regular bail to the petitioner, particularly, in light of the fact that there is nothing to arrive at the conclusion that trial is getting unduly delayed. The mere duration of incarceration, standing alone, does not constitute a compelling ground for the grant of regular bail, especially in



light of the gravity of the allegations and the evidence on record. Furthermore, the apprehension expressed by the prosecution that the petitioner may influence witnesses or hamper the investigation cannot be said to be baseless particularly in view of the nature of allegations and the criminal antecedents. Considering the seriousness of the allegations coupled with the nature of offence involving double murder as also the antecedents of the petitioner, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail. Accordingly, the petition is devoid of merits and is hereby dismissed.

9. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

April 16, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No