

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-45616-2023 (O&M)

Date of Decision:19.09.2023

Gurpreet Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. P.S. Hundal, Senior Advocate assisted by  
Mr. G.S. Hundal, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

\*\*\*\*

**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 135 dated 24.02.2021, under Sections 120-B, 201, 302 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Sadar, Karnal.

2. Learned Senior Counsel for the petitioner has submitted that the petitioner is in custody from 27.01.2023 and now the case is fixed before the learned trial Court for prosecution evidence. He submitted that it is a case where an FIR was lodged that one person was found dead without his hands and head and it was a blind murder. The alleged occurrence had taken place on 24.02.2021 and the police investigated the case but nobody was arrested and rather the proceedings under Section 174 Cr.P.C were conducted and even an untrace report was filed. He further submitted that

after a period of about 2 years some secret information was received by the police and further the CIA conducted the investigation and in pursuance thereof, they arrested the petitioner and three of the other co-accused. He further submitted that one of the other co-accused namely Mohit Dhiman has been extended the benefit of regular bail by this Court on 29.08.2023 in CRM-M-34901-2023 and so far as the present petitioner is concerned, he is rather at better footing than the aforesaid co-accused because qua the other co-accused the allegations were that he had taken the police to the spot and so far as the present petitioner is concerned, there is no role of the petitioner. He further submitted that the petitioner is not involved in any other case and has clean antecedents and the entire case is based upon circumstantial evidence and on suspicion only. He submitted that even on the basis of parity as well, the petitioner deserves the concession of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and the co-accused namely Mohit Dhiman has been granted regular bail by this Court and he is at parity with the present petitioner.

4. I have heard the learned counsel for the parties.

5. It is a case where the occurrence took place on 24.02.2021 but the proceedings under Section 174 Cr.P.C were conducted and thereafter no further progress in the FIR took place. However, after a period of two years, on the basis of secret information, the matter was re-investigated and thereafter the petitioner and the other co-accused were nominated. The

petitioner is stated to be not involved in any other case. There is no dispute

with regard to the parity of the petitioner with the other co-accused namely Mohit Dhiman who has been extended the benefit of regular bail by this Court on 29.08.2023. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.09.2023

rakesh

(JASGURPREET SINGH PURI)  
JUDGE

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |