



CRM-M-8792-2025

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

CRM-M-8792-2025

Date of decision : 21.02.2025

Jagdeep @ Goru

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurdarshan Singh Sidhu, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J.

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.236 dated 09.07.2020, under Sections 148, 149, 323, 364, 302, 120-B IPC, registered at Police Station Sadar Dabwali, District Sirsa.

2. Succinctly, the facts of the present case are that the FIR in the present case was lodged on the statement of Satwinder Singh @ Sonu. It was alleged that on 09.07.2020, he received an information that his younger brother Jitender @ Monu had been given injuries in the fight which had taken place. On receiving the information, he reached the Civil Hospital, Dabwali and enquired about the information received by him. It was found that Jitender @ Monu and his friend Arun @ Hunny were having meal at a Punjabi Dhaba near village Abubshahar, where Bandgi Ram, Raj Mahashya, Goru (petitioner), Kala Ram and Budhu along with 18-19 other persons came riding on their motocyrcles. On reaching Dhaba, they started inflicting injuries to his brother, namely, Jitender @ Monu and Arun @ Hunny with kirpan, swords and batons which they were carrying alongwith them.



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However, Arun @ Hunny managed to flee from the spot. His brother Jitender @ Monu was taken to village Sukerakhera on motorcycle, where he was inflicted more injuries in front of the house of Bandgi Ram. After causing injuries, the assailants escaped from the scene of occurrence. His brother was taken in ambulance to hospital, where he was declared dead. Request was made to take the legal action against all the accused for causing the murder of his brother. On registration of FIR, the investigation commenced; postmortem of the dead body was conducted and the accused were arrested. The petitioner was arrested on 14.07.2020. He approached the Court of learned Sessions Judge, Sirsa for grant of bail, however, after hearing both the sides, his application was declined by learned Court vide order 31.01.2025. The petitioner earlier approached this Court by way of filing CRM-M-28339-2023 which was dismissed on 09.11.2023. Hence, the petitioner again approached this Court by way of filing present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Davinder Singh @ Kaku, Sukhnam, Navdeep, Kashmiri Lal, Darshan Lal, Budh Ram @ Budhu, Sukhpal Singh @ Sukhpal @ Kala and Bandagi Kumar. He has drawn the attention of this Court to the orders dated 08.11.2021 passed in **CRM-M-1612-2021**, whereby, co-accused Davinder Singh @ Kaku, Sukhnam, Navdeep, Kashmiri Lal have been granted regular bail by this Court; order dated 25.05.2023 passed in **CRM-M-30654-2022**, whereby co-accused, namely, Darshan Lal has been granted the concession of regular bail by this Court and order dated 21.01.2025



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passed in **CRM-M-48486-2024**, and connected cases whereby, co-accused Budh Ram @ Budhu, Sukhpal Singh @ Sukhpal @ Kala and Bandagi Kumar have been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 14.07.2020 and hence, he has completed incarceration of about 04 years 07 months. He submits that the petitioner has no criminal antecedents. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Learned counsel for the State has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Davinder Singh @ Kaku, Sukhnam, Navdeep, Kashmiri Lal, Darshan Lal, Budh Ram @ Budhu, Sukhpal Singh @ Sukhpal @ Kala and Bandagi Kumar. He has submitted that out of total 37 prosecution witnesses, 17 witnesses have been examined and 09 witnesses have been given up. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 14.07.2020. Co-accused, namely, Davinder Singh @ Kaku, Sukhnam, Navdeep, Kashmiri Lal, Darshan Lal, Budh Ram @ Budhu, Sukhpal Singh @ Sukhpal @ Kala and Bandagi Kumar are on bail and the case of the petitioner as stated is at par with them. Out of total 37 prosecution witnesses, 17 witnesses have been examined and 09 witnesses have been given up. As per custody certificate, the petitioner has completed incarceration of 04 years 07

months and 17 days as on 20.02.2025. It further reflects that the petitioner has no criminal antecedents.

6. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No