



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

CRM-M-9278-2025

Date of decision : 10.07.2025

Mandeep @ Gabbar

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amit Malik, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana assisted
by ASI Jasbir Singh.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.44 dated 02.02.2022, under Sections 302, 120-B & 34 of IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Uchana, District Jind.

2. Succinctly the facts of the case are that the present case was registered on the statement, namely, Amarjeet. It was alleged that he had come to the house of his *Bua*, namely, Neelam at village Uchana Kalan on 02.02.2022. At about 11:00 am, he along with his Bua's son Sombir (deceased) was going to the barber shop on his motorcycle. When they reach near Deva Colony on drain road, Sombir got a call from someone on his phone and he received the call. In the meantime, 03 young boys came from the market side on their Splendor motorcycle and stopped near them. Those 03 boys were Sonu, Monu and Sachin. All 03 boys started firing with their respective pistol at Sombir and on being hit, he fell down. Those 03 boys had an enmity with Sombir which was earlier compromised, however, they nurtured the grudge and thus, attacked his



cousin-Sombir with bullets. On firing at Sombir, all 03 boys escaped from the place of occurrence. He along with the help of passers by shifted him to the Government Hospital, Uchana, where the doctors declared him dead. The request was made to take the legal action. On registration of FIR, the investigation commenced. During investigation, the accused were arrested and on their disclosure, the complicity of the petitioner was also surfaced. On their disclosure statemented that the petitioner had made a recce of the deceased and he was part of the conspiracy. Resultantly, the petitioner was arrayed as an accused and he was arrested on 25.02.2022 and since then he is behind bars. He approached the Learned Additional Sessions Judge, Jind, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Jind vide order dated 06.02.2025. Earlier, the petitioner approached this Court by way of filing of CRM-M-41846-2023, which was dismissed as withdrawn vide order dated 08.02.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that petitioner neither named in the FIR nor he has been alleged any overt act in committing the offence. However, it is on the disclosure statement of the co-accused, the petitioner has been roped in the present case on the allegation that the petitioner made a recce of the deceased before the offence having been committed. He submits that from the case of the prosecution itself it is evident that out of total 09 accused, 03 of the accused, namely, Sonu, Monu and Sachin were the accused who fired at the deceased. However, out of these 03 accused, Monu and Sachin are



already on bail. It is submitted that though the petitioner is involved in 03 more cases, however, in FIR No.345/2020 under Section 379 IPC, the petitioner has already been acquitted and in rest of the cases, he is on bail. He submits that the petitioner is behind bars from last more than 03 years, however, the prosecution has not been able to conclude the trial. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner has played a key role in providing the information of the deceased to the co-accused, who on receiving the information, committed the murder of deceased-Sombir. He submits that the petitioner was the key conspirator in committing the offence. He, on instructions, has submitted that out of 28 prosecution witnesses, only 11 witnesses have been examined till date. He has produced on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the arguments raised that the petitioner in the present case was arrayed as an accused during investigation the allegations against the petitioner that he made a recce of the deceased and thus facilitated the offence committed. However, it is an admitted fact that out of the 03 co-accused who fired at the deceased, 02 of them are already on bail. The custody certificate produced would show that he has suffered an incarceration of 03 years, 04 months and 13 days as on 09.07.2025. The Custody certificate further reflects that the petitioner is involved in 03 more cases, however, in FIR No.345/2020 under Section 379 IPC, the petitioner has already been acquitted.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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.

7. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

10.07.2025	(RAJESH BHARDWAJ)
ps-I	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No