



CRM-M-18894-2025

1

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

230

**CRM-M-18894-2025
Decided on :21.07.2025**

Kuldeep @ Kallu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Siddarth, Advocate for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.99 dated 10.03.2019, under Sections 302, 412, 201, 120-B and 34 IPC and Sections 24/54/59 of Arms Act, registered at Police Station City Jhajjar, District Jhajjar.

2. Learned counsel for the petitioner submits that, as per the allegations in the FIR, the incident causing murder of Dharmender @ KK took place on 10.03.2019, and the FIR was lodged by deceased's brother, namely Sudhir Gulia. It is alleged that he heard the sound of gunshots coming from an adjoining street, whereupon he and his friend, Aazad Chhikara, rushed to the spot and saw that the complainant's brother was being shot at by 3-4 boys. Upon seeing the complainant and his friend, the assailants fled away from the spot on motorcycles, carrying their respective weapons.



Complainant suspected one Naresh @ Sethi, stating that approximately two years prior, a ransom had been demanded from the victim, Dharmender @ KK.

Learned counsel further argues that, subsequently, on the basis of a disclosure statement made by Naresh @ Sethi, the names of other accused persons came to light. Based on that, the petitioner was arrested on 15.04.2019, and a country-made pistol is alleged to have been recovered from his possession. However, there is no direct evidence establishing any nexus or connectivity between the petitioner and the commission of the offence.

Counsel also points out that similarly situated co-accused, namely Naveen @ Sonu and Gaurav Khanna (who stands acquitted in 7 cases and, out of 3 convictions, is on bail in 2 cases and has undergone the sentence in 1 case), have already been granted bail by the coordinate Bench of this Court vide orders dated 25.03.2022 and 18.07.2022 passed in CRM-M-27476-2021 and CRM-M-15962-2022, respectively (Annexure P-3).

It is further submitted that other co-accused, namely Neeraj, Deepak Lota, and Sunil @ Bana, have also been granted regular bail by the learned Additional Sessions Judge, Jhajjar, vide separate orders dated 05.02.2020, 26.02.2020, 10.06.2020, and 16.06.2020, as also noticed in the order dated 18.07.2022 passed in CRM-M-15962-2022.

Counsel contends that there is no justifiable reason to distinguish the present petitioner's case from those of similarly situated



co-accused who have already been granted bail. Therefore, the petitioner is also entitled to the concession of regular bail, and a prayer to that effect is made.

3. On the other hand, learned State Counsel, while opposing the prayer for bail, has produced the custody certificate in Court and submits that the petitioner is a habitual offender, with five other criminal cases registered against him, out of which he has already been convicted in three cases. It is further submitted that granting bail to such an individual, who has a history of criminal antecedents, would not only send a wrong signal to society, thus, prays for dismissal of the present petition.

4. Having considered the rival submissions and upon perusal of the record, this Court has taken note of the totality of facts and circumstances, including the arguments advanced by the learned respective counsel. It is also observed that similarly situated co-accused, who are alleged to have acted in connivance with the petitioner, have already been granted the concession of bail. Furthermore, it is noticed that there are a total of 41 prosecution witnesses, out of which only 10 witnesses have been examined so far. Therefore, the trial is likely to take considerable time before reaching its conclusion.

In light of the above, this Court is of the considered view that the petitioner's right to personal liberty cannot be curtailed indefinitely.

**CRM-M-18894-2025****4**

5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

21.07.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*