



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

CRM-M-29552-2025

Date of Decision: 21.07.2025

Ankit

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Salman Ahmed, Advocate for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.119 dated 08.08.2023 under Sections 148, 149, 323, 328, 452, 506, 306 IPC (Section 302 IPC added lateron), registered at Police Station Titram, District Kaithal.

2. Succinctly, the facts of the case are that the FIR in the present case was lodged on the statement of complainant Sonu. It was alleged that on 06.08.2023 at about 8:30 pm, his younger brother Monu and elder brother Sandeep were present in their shop. It was alleged that at that time, Kapil, Rohit @ Budhu, came on a motorcycle and raised lalkara. His brother Sandeep tried to convince them and sent them back. However, thereafter, Kapil, Rohit @ Budhu, Kala, Golu, Vikram, Sumit, Amit and Judi along with 3-4 person came on 4-5 motorcycles. They started beating his brother Sandeep with sticks in their hand. Sandeep rushed inside the shop and then Kapil, Rohit @ Budhu, Golu, Kala started beating him with sticks inside the shop. He and his brother, Monu, with great difficulty saved his brother from those boys. They escaped from the place of occurrence along with their weapons on their respective motorcycles by threatening them to kill. He and



his brother Monu admitted his brother Sandeep in the Government Hospital. On the way, his brother Sandeep told them that the boys had put some intoxicant poisonous substance in his mouth. His brother was initially admitted there but thereafter, he was referred to Kalpana Chawla Hospital, Karnal. It was alleged that all the accused as mentioned had beaten his brother Sandeep and threatened to kill them and they forcibly administered poisonous substance in the mouth of his brother. Hence, request was made to take the legal action against the culprits. The FIR was registered initially for the offence under Sections 148, 149, 323, 328, 452 & 506 IPC. However, thereafter, Sandeep died on 13.08.2023 and hence, offence under Section 302 IPC was added in the FIR. Petitioner was arrested on 20.08.2023. He approached the Court of learned Additional Sessions Judge, Kaithal praying for the grant of bail. However, after hearing both the sides and finding no merit, bail application was declined vide order dated 17.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present 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, Naveen @ Jhundhi. He has drawn the attention of this Court to the order dated 07.05.2025 passed in **CRM-M-3226-2024**, whereby, co-accused Naveen @ Jhundhi has been granted regular bail by this Court. He submits that challan in the present case was presented under Section 306 IPC, however, charges were framed for the offence under Section 302 IPC. It is submitted that it is a matter of trial to assist whether the offence falls under Section 306 IPC or Section 302 IPC. He submits that



the petitioner is in custody since 20.08.2023. 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 has already been granted bail.

4. Status report by way of affidavit of Lalit Kumar, HPS, Deputy Superintendent of Police, Kalayat filed in Court is taken on record. Learned State counsel 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, Naveen @ Jhundhi. On instructions, she has submitted that out of 24 prosecution witnesses, 01 witness has been examined. She 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 20.08.2023. Co-accused, namely, Naveen @ Jhundhi is on bail and the case of the petitioner as stated is at par with him. Out of total 24 prosecution witnesses, 01 witness has been examined. As per custody certificate, the petitioner has suffered incarceration of 01 year, 11 months as on 19.07.2025. 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.



8. Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

21.07.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No