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

**CRM-M-30939-2025**

Date of Decision: 14.11.2025

Deepak

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sunil Sihag, Advocate, for the petitioner.  
Mr. Sumit Jain, Addl. AG, Haryana and  
Mr. Tanuj Sharma, AAG, Haryana.

**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.406 dated 16.12.2007 under Sections 302, 307, 301, 34 IPC and Sections 25, 27 of Arms Act, 1959 registered at Police Station Sector-5, District Gurugram.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Ajit Singh. It was alleged that on 15.12.2007 at about 11:30 p.m., his brother Daljit Singh and his nephew Narender were returning back in their car. His brother Daljit Singh, on getting down from the car found that Samunder and his sons, namely, Jintender @ Kuki and Deepak (petitioner) were constructing a wall on their plot. They found that by this construction, they were encroaching upon their plot. His brother Daljit Singh and nephew Narender made request to them to not encroach upon their land, however, they got provoked and thus, Jitender @ Kuki took out his rifle and fired two shots at his brother Daljit Singh, out of which one hit on the left side of chest and second hit on the right side of stomach. On being injured, his brother collapsed. When the complainant alongwith his nephew tried to shift his brother in car to take him to hospital, then Deepak snatched rifle from Jatinder @ Kuki and fired



two shots at Narender, out of which one shot passed through his right elbow and second shot hit on the same arm. On raising alarm, they escaped from the place of occurrence. They were shifted to hospital. Brother of the complainant was declared dead by the doctors. Thus, request was made to take legal action. On registration of the FIR, the investigation commenced. Postmortem of the deceased was conducted and injured Narender was medico legally examined. The petitioner was arrested on 19.09.2023. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of bail, however after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by the petitioner vide order dated 20.05.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as is evident, both the sides had dispute over the plot and thus, the whole family of the petitioner has been roped in the present case. It is submitted that false implication of the petitioner is evident from the fact that the injured Narender had been examined before the trial Court as PW-3, however, he has not supported the case of the prosecution, rather he emphatically deposed that Deepak was never involved in the incident and he never fired upon him. He further went on argue that as per the case of the prosecution, the fire shots at the deceased and the injured were with a licenced rifle, but as per the ballistic report, the empties



recovered from the spot, have not been matched with the rifle, which was the alleged weapon of the offence. He submits that though the petitioner remained proclaimed offender, however, since the date of his arrest, he is behind the bars. He has also argued that this Court had allowed him interim bail on the medical ground of his father and after availing the interim bail, he duly complied with the terms and conditions imposed by this Court and surrendered within the stipulated time. It is further submitted that the material witnesses already stand examined and thus, in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that name of the petitioner was not only mentioned in the FIR, but also he duly participated in the occurrence and fired at the injured. He submits that the petitioner remained proclaimed offender for 16 years and during this period, trial was going on qua other co-accused i.e. father and brother of the petitioner, who were convicted by the trial Court. He submits that even if witness injured Narender has been declared hostile, but his whole testimony cannot be discarded. On instructions, he submits that out of total 24 prosecution witnesses, 06 witnesses including injured Narender have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case took place on 15.12.2007. Though the petitioner remained proclaimed offender, but he was arrested on 19.09.2023. The allegation against the petitioner is that he fired



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shot at injured Narender, who has been examined as PW-3 and has not supported the case of the prosecution. Counsel for the petitioner also relied upon the ballistic report and disputed that the alleged fire shots by the petitioner in itself has been negated from the fact that the recovery of empty cartridges, has not matched with the weapon of offence i.e. the rifle. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 01 month & 10 days as on 13.11.2025. It further shows that the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

7. 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.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**14.11.2025**

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