



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. The petitioners were arrested on 20.08.2023/21.08.2023. They 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 of Deepak @ Golu was declined vide order dated 22.05.2025 and bail application of Kapil was declined vide order dated 08.04.2024. Aggrieved by the same, the petitioners are before this Court by way of filing the present petitions.

3. Learned counsel for the petitioners, at the outset, prays for the grant of bail to the petitioners 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 has submitted that from petitioner -Kapil, a *danda* has been allegedly recovered, whereas, from petitioner Deepak @ Golu, a motorcycle has been recovered. 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 petitioners are in custody since 20.08.2023/21.08.2023. He submits that on the basis of the parity, the petitioners deserve to be granted bail as the case of the petitioners is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioners as stated above and has not denied that the petitioners are at par with the co-accused, namely, Naveen @ Jhundhi . On instructions from SI Subhash Chander, he has submitted that out of total 24 prosecution witnesses, 01 witness has been examined. He has placed on record the custody certificate of the petitioners.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since 20.08.2023/21.08.2023. Co-accused, namely, Naveen @ Jhundhi is on bail and the case of the petitioners as stated is at par with him. Out of total 24 prosecution witnesses, 01 witness has been examined. As per custody certificate, petitioner Kapil has suffered incarceration of 01 year, 10 months



CRM-M-35612-2025

-4-

& 24 days as on 14.07.2025 and petitioner Deepak @ Golu has suffered incarceration of 01 year, 10 months & 25 days as on 14.07.2025. It further reflects that petitioner Deepak @ Golu is involved in one more case, however, is on bail in that case.

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 petitioners succeeds in making out a case for grant of regular bail to the petitioners on the basis of parity. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their 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

15.07.2025

sharmila

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