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

**CRM-M No.43288 of 2025
Date of decision: 18.08.2025**

Rajiv Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amarjit Singh Virk, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Mr. Edward George, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.935, dated 24.09.2023, under Sections 148, 149, 302, 506, 120-B of IPC and Section 25 of Arms Act, 1959, registered at Police Station Sadar Karnal, District Karnal.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Dharambir, son of Mamchand. It was alleged that his elder brother, namely, Jai Bhagwan, aged about 64 years (deceased) was running a grocery shop on Bhaini Khurd Road, Jhijhadi. He and his brother Jai Bhagwan worked together in the shop and they used to come in the shop every day at around 6:00/7:00 in the



morning. On the day of occurrence, his brother came to shop at about 9:30 A.M., and thereafter, the complainant went to his house for having meal and when he was returning, he heard the sound of gunshot fired in the shop. On reaching, he found 4/5 boys brandishing pistols/arms in their hands and fled away from the spot in a white car. On entering the shop, he found his brother- Jai Bhagwan lying in a pool of blood. He was shifted to the Amritdhara Hospital, Karnal for treatment from where he was referred to Trauma Centre of Government Hospital, Karnal. However the doctor declared him dead. It was alleged that his nephew, namely, Goldy @ Kapoor son of his deceased brother, Jai Bhagwan was involved in a murder case and the opposite side has opened an attack on his brother. Regarding which, his brother lodged FIR No.1304, dated 27.12.2019, under Sections 307, 34, 120-B IPC and Sections 25, 54 & 59 of Arms Act, at Police Station Sadar Karnal and it is because of the same, his brother has been shot dead by the accused persons. Thus the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner was surfaced and thus he was arrayed as an accused in the present case. The petitioner was arrested on 06.10.2023. On completion of the investigation, the challan was presented and on framing of the charges, the trial commenced. The petitioner approached the learned Additional Sessions Judge, Karnal for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Karnal declined the bail application filed by the petitioner vide order dated 29.08.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-47687-2024 praying for the grant of bail, however the



same was dismissed as not pressed vide order dated 27.09.2024. Hence being aggrieved, the petitioner is before this Court again praying for the grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the investigation is complete and the challan has already been presented. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 06.10.2023, however there is no progress in the trial. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has further submitted that co-accused of the petitioner, namely, Mukesh Kumar @ Kaku has already been granted bail by this Court vide order dated 28.07.2025 passed in CRM-M No.11743 of 2025 and thus case of the petitioner is at par with that of the co-accused. He has further submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State Counsel, has opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner has played an active role in the commission of offence. She, on instructions, has submitted that out of total 27 prosecution witnesses, only 05 witnesses have been examined so far. She has produced custody certificate of the petitioner today in the Court and the same is taken on record. She has endorsed the fact that co-accused, namely, Mukesh Kumar @ Kaku has already been granted bail vide order dated 28.07.2025.

5. Heard.



6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case has been arrayed as an accused during the investigation and he was arrested on 06.10.2023. Out of 27 prosecution witnesses, only 05 witnesses have been examined. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 10 months and 13 days as on 18.08.2025. It further reflects that the petitioner has no criminal antecedents. Co-accused, namely, Mukesh Kumar @ Kaku has already been released on bail vide order dated 28.07.2025.

7. 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.

8. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail on parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

18.08.2025

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No