

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

2025:PHHC:133864



CRM-M-53004-2025 (O&M)
Date of decision: 24.09.2025.

GURTEJ @ SHERU

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Pragyat Bhardwaj, Advocate,
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.667 dated 11.10.2022, under Section(s) 148, 149, 302 and 323 of the Indian Penal Code, 1860 (Section 201 IPC added later on), registered at Police Station Gharaunda, District Karnal.

2 As per case of the prosecution, on 11.10.2022, the complainant along with his friends Mohan and Neeraj (since deceased) were sitting at a Dhaba eating food and drinking liquor and where four boys sitting behind them were talking in a loud noise. Since Neeraj asked them not to talk

loudly, initially they left the place, however, after sometime, they came back and one of them hit a glass bottle on the head of the complainant and another hit a glass bottle on the head of Neeraj. The complainant ran towards his home to save his life. When the complainant came back to the said Dhaba again along with his father, he found his brother Manish and Neeraj lying unconscious with injuries on head. They were taken to hospital and were declared brought dead in the hospital. Although it is a case of double murder, there is no specific role attributed to the petitioner in the said occurrence.

3 Learned counsel for the petitioner contends that according to the allegations as set out by the respondents, the petitioner is alleged to have thrown a tandoor. He contends that the aforesaid version is inherently improbable inasmuch as it is not possible for a person to pick up a tandoor and throw it across on another person. He contends that it is not the case of the prosecution that an injury had been sustained by the deceased on account of the alleged throwing of tandoor. He further submits that even the said tandoor is not a part of the case property that had been seized by the respondents at any stage. He thus contends that the version in question is inherently improbable. It is further argued that only four witnesses out of total 24 witnesses cited by the prosecution have been examined so far. He submits that the trial is likely to take a long time to conclude. He submits that as per the custody certificate placed on record, the petitioner is in custody for the last 02 years, 11 months and 07 days. It is further argued that co-accused Parvesh Kumar has been already granted the concession of regular bail by this Court vide order dated 22.08.2025 passed in CRM-M-

44052-2024.

4 On the other hand, State counsel does not dispute the aforesaid factual aspects as well as grant of regular bail to the co-accused Parvesh Kumar.

5 Having heard the learned counsel for the parties and taking into consideration the allegations levelled; the period of custody, the stage of the trial and further considering that co-accused Parvesh Kumar has already been granted the concession of regular bail by this Court vide order dated 22.08.2025 passed in CRM-M-44052-2024, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

September 24, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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