

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58572-2024
Reserved on: 05.08.2025
Pronounced on: 19.08.2025

Jai Bhagwan ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Atul Gaur, A.A.G., Haryana.

Mr. Dharamvir Sharma, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
367	03.09.2020	Pataudi, District Gurugram	302, 307, 120-B, 202, 285 IPC and 25, 27 of Arms Act

1. Seeking cancellation of bail granted to the accused-respondent No.2 vide order dated 26.02.2024 passed by Additional Sessions Judge in the FIR captioned above, the aggrieved person has come up before this Court under Section 439(2) r/w 482 of the Code of Criminal Procedure, 1973 (CrPC).
2. The accused's counsel prays for bail by imposing any stringent conditions.
3. The accused's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
4. Facts of the case are being taken from the reply filed by Assistant Commissioner of Police, Gurugram dated 31st July, 2025 which reads as follows:

“3. That the brief facts of the case are that a complaint was submitted by Jai Bhagwan (present petitioner) wherein he stated that on 02.09.2020 at about 10 PM, when he along with his cousin Ishwar were coming towards Khandewla Road, his another cousin Inderjeet (deceased) came there along with Vikram and Vishal in his white swift car no. HR-76-F-9250, after collecting cash from liquor vend. 3-4 cows

were sitting at the road due to which Inderjeet stopped the car. When the complainant walked towards the cows to move them away, three motorcycles came from behind of Inderjeet's car, whereupon Abhishek, Harender, Rohit, Sagar, Akhil and Krishan @ Gagan were sitting. They surrounded Inderjeet's car. Abhishek and Harender opened fire indiscriminately towards Inderjeet and the other persons opened fire upon Vikram, and Vishal. The complainant stuck to the wall to save himself and the accused persons left away towards Khandevla Road while firing in the air. On hearing noise, Amit and other persons came to the spot. The complainant along with Vishal and Amit took Inderjeet and Vikram to CHC Pataudi, where Inderjeet was declared dead and Vikram was referred to Gurugram. The complainant further stated that Abhishek etc. had previous enmity with Inderjeet and that they had earlier also attacked him. He also mentioned the names of Satendra Lala, Gagan, Sonu, Vicky and Govind. Thereupon, FIR No. 367 dated 03.09.2020 us 302/307/147/148/149/120-8 IPC and 25/54/59 Arms Act (Later on added Section 384/506/285/202 IPC and 25(1-B)(a) Arms Act and deleted Section 384/506/147/148/149 IPC) was registered at P.S. Pataudi, Gurugram.

4. That during the course of investigation, accused Rohit and Krishan @ Gagan, Govind, Shakti @ Bholu and Sachin were arrested on 09.09.2020. Their disclosure statements were recorded. Accused Rohit got demarcated the place of NOLY OCCurrence. His police remand was obtained for two days and he got recorded his amended disclosure statement. He was sent to judicial custody on 12.09.2020. Accused Raju @ Chhilka was arrested on 17.09.2020.

5. That the respondent no. 2/ accused Pawan was arrested on 30.09.2020. He was produced in the Ld. Court on 01.10.2020 and his police remand was obtained for two days. His amended disclosure statement was recorded. He got recovered one countrymade pistol (desi katta), one live cartridge and one empty cartridge. He was sent to judicial custody on 03.10.2020. The amended disclosure statement of respondent no. 2 / accused Pawan is attached herewith as Annexure R-1 for kind perusal of this Hon'ble Court."

5. The trial court granted bail to the petitioner on the grounds that he has been named simply as a conspirator and there is no evidence against him. It would be better to extract paragraph 4 of the bail order, which reads as follows:

"4. Learned counsel for the applicant/accused has argued that the applicant/accused in custody since 30.09.2020 and has simply been named as conspirator, without there being any evidence against him, and further the trial is going to take long time for its completion, hence the applicant/accused be granted bail."

6. The evidence collected against the petitioner clearly points out that the petitioner is involved in murder and such fact is corroborated by recovery of country made pistol, one live cartridge and one empty cartridge which are the weapons of offense.

7. It would be appropriate to refer to paragraph 11 of the reply, which reads as follows:

"11. That the role of the respondent no.2/accused Pawan in the present case is that he had conspired with accused Abhishek, Ujjwal

and Jeevan for killing Inderjeet. In pursuance of the conspiracy, the respondent no.2 drove the Apache motorcycle (without number plate) towards the place of occurrence. The respondent no.2 had also fired a gunshot upon Inderjeet at the time of the present crime. He has got recovered one countrymade pistol (desi katta), one live cartridge and one empty cartridge.”

8. Thus the reasoning given by the trial Court is that the only evidence against the petitioner was of a conspiracy, whereas as per the reply, the police had recovered the weapon of offence i.e. country made pistol at the instance of respondent No.2. As a normal rule, the bail which is granted is not usually cancelled. In the present case, there are no allegations against the respondent No.2 of violating any of the bail conditions but the fact remains that it is a case of murder and it is not a case of petty nature or where the sentence is less. In the present case, the minimum sentence is life or death. Thus, considering the gravity of the offence, the reasons granted by the trial court were not sufficient and justified in granting the petitioner bail.

9. Although this Court is going to cancel the bail, but perusal of the bail order does not mention the other grounds taken by the accused counsel at the time of arguing the bail petition. Thus, it would be appropriate that the matter is remanded back to the trial court to adjudicate the bail of respondent on other points if any.

10. In the facts and circumstances peculiar to this case, the present petition is allowed, the impugned order granting bail is set aside, and the matter is remanded back to the trial Court for fresh adjudication on merits.

11. Respondent No. 2 is directed to appear before the trial court on 26th August 2025 at 10 AM and on such appearance, the trial Court should release him on interim bail on the earlier bonds till the disposal of the bail petition. The trial Court shall decide the bail petition on priority preferably within one month after 26.08.2025. Respondent No.2 shall be at liberty to raise all fresh points which were not earlier raised.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.