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

**CRM-M No.71701 of 2025**

**Date of Decision: 23.12.2025**

**Rakesh**

**..... Petitioner**

**Versus**

**State of Punjab**

**.....Respondent**

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

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Present: Mr. Gaurav Kalsi, Advocate  
for the petitioner.

Mr. K. D. Sachdeva, DAG, Punjab.

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

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.57, dated 17.05.2024, under Sections 302, 201 IPC, 1860, registered at Police Station Sujanpur, District Pathankot.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the allegation that a human body was found in the cemetery of village Khudawar, one hand and both feet of which were visible on the ground. Finding it suspicious, body was exhumed from the cemetery and kept in the mortuary of the hospital. Later on, statement of Puran Singh was recorded, on the basis of which, Jatinder Kumar, who belonged to Banjara community, was found to be involved and thus, he was interrogated. On his interrogation, it was found that the dead body



was of his wife Amruti. In his interrogation, complicity of the petitioner, namely, Rakesh also surfaced and he was also arrayed an accused. He was arrested on 23.05.2024. Postmortem of the dead body was conducted. On completion of the investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Pathankot praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Pathankot, dismissed the bail application filed by the petitioner vide order dated 23.10.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-7423-2025 praying for the grant of regular bail, however the same was dismissed as withdrawn vide order dated 11.11.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Sunny. He has drawn the attention of this Court to the order dated 11.12.2025, passed in **CRM-M-68905-2025**, whereby, co-accused, namely, Sunny has been granted regular bail by this Court. He has submitted that the petitioner is behind bars since 23.05.2024. He has submitted that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner 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 petitioner as stated above and has not denied



that the petitioner is at par with the co-accused, namely, Sunny. He however has submitted that complicity of the petitioner surfaced during the investigation. He submits that in a well hatched conspiracy, Amruti was murdered. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that case of the prosecution is entirely based on the circumstantial evidence. Complicity of the petitioner in the present case is on the basis of disclosure statement of co-accused Jatinder, who is husband of the deceased. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 06 months and 29 days as on 22.12.2025. It further reflects that the petitioner is not involved in any other case. Co-accused, namely, Sunny is on bail and the case of the petitioner as stated is at par with him.

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. 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 on the basis of parity.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.12.2025

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(RAJESH BHARDWAJ)  
JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No