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

CRM-M-4279-2026

Date of Decision: 05.05.2026

Gagan Bhardwaj @ Gagan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankit Yadav, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.49 dated 12.02.2024, registered under Sections 147, 149 & 302 IPC (Sections 323 and 506 IPC added lateron), at Police Station Rajendra Park, District Gurugram.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Mohammad Hadi @ Modana Alam. It was alleged that he is residing in Surabhi Labour Camp Mohmadheri from the last six months and one Awesh Alam is also residing in the same camp. On 11.02.2024, at about 08:30/09:00 p.m., the complainant heard a commotion and came out of his room. He saw that the Camp Incharge, namely Shiv Narain, along with 5–6 associates, was assaulting Awesh Alam. Thereafter, Shiv Narain and his companions pushed Awesh Alam towards his room and extended threats. Out of fear, the complainant hide himself in another room. Once the commotion stopped, he came out and found Awesh Alam lying dead. After some time, two persons, along with crane operator Rahul, arrived at the spot and attempted to shift the dead body to the hospital. However, the complainant and Ajmal



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intervened and prevented them from doing so. Thus, the request was made to take legal action against the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner, namely, Gagan Bhardwaj @ Gagan, surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 01.10.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, learned Court dismissed the bail application filed by the petitioner vide order dated 09.06.2025. Earlier the petitioner approached this Court twice by way of filing CRM-M-33015-2025 and CRM-M-43956-2025, however, the same were dismissed as withdrawn vide orders dated 23.07.2025 and 25.08.2025, respectively. Hence, the petitioner is again before this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner named in the FIR, nor any specific role has been attributed to him. He submits that the alleged occurrence took place on 11.02.2024 and the complainant levelled allegations against Shiv Narain to the effect that he alongwith his associates gave beating to the deceased, namely, Awesh Alam. He contends that even otherwise, the allegations against the co-accused are only to the effected of giving fist and leg blows. He contends that the complainant has already been



examined before the trial Court as PW-4 and has not supported the case of the prosecution. It is specifically deposed by him that he was unable to identify the accused persons present in the Court. He submits that the ocular version is not even medically corroborated. He submits that the deceased was suffering from heart disease and his death could be on account of heart attack. He submits that the petitioner has no criminal antecedent and he is behind the bars from the last about 01 year and 07 months. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that the petitioner alongwith the co-accused formed an unlawful assembly and all the accused gave severe beatings to the deceased. It is on account of the injuries given by them, he succumbed to the injuries. He submits that the deceased died on the spot. He further contends that though the complainant has not supported the case of the prosecution, however, there are enough evidence on record to prove the complicity of the petitioner. On instructions, he has submitted that out of total 40 prosecution witnesses, 02 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR was lodged on the statement of the complainant, namely, Mohammad Hadi @ Modana Alam, who was the eye witness. He has been examined before the trial Court as PW-4 and has not supported the case of the prosecution. He has specifically deposed that he could not



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identify the accused persons present in the Court. The allegation against the petitioner is that the was the part of the unlawful assembly and they gave fist and leg blows to the deceased. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 07 months & 01 day as on 01.05.2026. It further shows that the petitioner has no criminal antecedent. Out of 40 prosecution witnesses, 02 witnesses have been examined. Speedy trial is right of every accused.

6. 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. 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.

7. 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.

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

(RAJESH BHARDWAJ)
JUDGE

05.05.2026

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