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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30600-2026
Decided on : 01.07.2026

Sandeep

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Parminder Singh, Advocate
for the petitioner(s).

Mr. Vipul Sherwal, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sandeep	597	27.10.2024	S. 103(1), 238, 3(5) of BNS, 2023 (earlier S. 302, 201, 34 of IPC) and S. 25 & 27 of Arms Act, 1959	Sector 32-33	Karnal

2. On noticing dead body of an unknown person, initially, FIR was got registered by one Gurmail Singh, and thereupon, investigation was commenced.

During course of investigation, one of accused, namely, Harshdeep Singh @ Murga, surrendered himself on 05.11.2024, and thereupon, he was arrested. He suffered a disclosure statement admitting his



involvement in crime, and as per said disclosure statement, names of other co-accused also surfaced, i.e., (i) Sandeep (petitioner herein), (ii) Rohit @ Choosa, and (iii) Ravinder @ Foji. Name of deceased in present case is 'Ravi Gupta'.

As per said disclosure statement, Harshdeep Singh @ Murga, all accused along with deceased were consuming alcohol and during that, some arguments took place amongst them. Thereupon, deceased Ravi Gupta started abusing all of them in the name of their mothers and sisters. Further, as per disclosure statement, when Ravi Gupta had gone for urinating, all remaining accused hatched a conspiracy to kill him, whereupon, Sandeep (petitioner herein) and Rohit caught hold of Ravi Gupta, and accused Harshdeep Singh @ Murga took pistol from co-accused Ravinder @ Foji and fired a shot at left eye of Ravi Gupta, who died on the spot.

3. Learned counsel for petitioner argues that as per FIR, there was no prior enmity, and even if shot fired by co-accused Harshdeep Singh @ Murga, from pistol belonging to co-accused Ravinder @ Foji, is found matching with recovered weapon, said role cannot be attributed to petitioner herein, as he was simply accompanying other accused and was consuming alcohol with them.

Further argues that issue of *mens rea* is required to be examined in depth during trial, as to whether all accused would be equally liable or only accused, who fired the shot. In other words, whether common intention was shared by all accused or only by accused Harshdeep Singh @ Murga, who fired shot upon deceased.

Further submits that petitioner is inside jail since 09.11.2024,



i.e., for a period of more than about 01 year and 06 months, and out of total cited 24 prosecution witnesses, only one has been examined so far. Thus, in given facts and circumstances, learned counsel for petitioner prays for grant of regular bail to petitioner.

4. On the other hand, learned State counsel, while vehemently opposing prayer for bail, submits that keeping in view gravity of offence and nature of allegations, petitioner does not deserve any leniency. However, he is unable to dispute any of factual assertions made here-above by learned counsel for petitioner.

He further submits that since all accused had hatched conspiracy there on the spot, as disclosed in disclosure statement of co-accused Harshdeep Singh @ Murga, it is a clear-cut case where sharing of common intention is established. Therefore, merely because petitioner did not play any direct or active role in commission of murder, he is not entitled to any concessional relief.

Besides above, learned State counsel places reliance upon tower location of mobile phones of all accused, which shows that they were present at same place, thereby further strengthening argument regarding common intention of accused in commission of crime.

5. I have heard learned counsel for parties and gone through record.

6. First of all, circumstances are required to be examined in depth by trial Court at appropriate stage as to why accused Harshdeep Singh @ Murga himself came forward to surrender before Court and admitted commission of crime. There is no evidence disclosed in impugned order



regarding last seen of deceased in company of accused persons.

Even if tower location, as argued by learned State counsel, is found to show presence of all accused at one place, it cannot be concluded at this stage that all of them shared common intention or that petitioner had any motive to commit murder.

Besides, it is also noticeable that petitioner is inside jail since 09.11.2024, i.e., for a period of more than about 01 year and 06 months, and out of total cited 24 prosecution witnesses, only one has been examined so far. Therefore, personal liberty of petitioner cannot be curtailed for an indefinite period.

7. Without expressing any opinion on merits of case, and keeping in view totality of facts and circumstances, this Court is of considered view that further detention of petitioner in jail would serve no useful purpose.

Accordingly, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in



accordance with law.

10. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

July 01, 2026
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*