



CRM-M-50143-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241

CRM-M-50143-2025
Decided on : 28.01.2026

Balwan alias Bablu

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Himmat Singh Deol, Advocate
for the petitioner(s).

Mr. Pawan Kumar Jhanda, Sr. DAG 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Balwan @ Bablu	216	01.09.2022	302, 120-B IPC and 25 (1-B) (a) of Arms Act, (Sections 109, 201 and 216 of IPC added later on)	Civil Lines	Gurugram, Haryana

2. The FIR in the instant case has been got registered on the statement of Anurag and the deceased in the present case is Sukhbir. As per case of the prosecution, he had received a call on his mobile phone from some jail inmate namely Rahul @ Chuhiwala, to eliminate Sukhbir as it is the right time. However,



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there is no direct allegation of causing any injury to the deceased against the petitioner.

3. Learned counsel for the petitioner argues that similarly situated other co-accused namely Joginder Khatana vide order dated 16.04.2024 (Annexure P-6), Amit vide order dated 07.01.2025 (Annexure P-7) and Dharambir vide order dated 07.01.2025 (Annexure P-9) have already been released on bail. Apart this some of the accused namely, Joginder, Vikram @ Papla, Manohar, Somdutt, Sonu, Manjeet, Rohit, Rahul s/o Raj Kumar, Deepak s/o Braham Parkash, Yogesh s/o Dharmbir, Nonu, Amit, Akash, Gaurav and Rahul @ Chuhiwala son of Raj Kumar have already been acquitted by the trial Court [learned Additional Sessions Judge, Gurugram, vide order dated 11.08.2025 (Annexure P-10)].

4. Noticing some contentions on 12.09.2025, the following was recorded:

“(i) Present petition under Section 439 of Cr.P.C (now Section 483 BNSS) has been filed for grant of regular bail to the petitioner in case bearing FIR No.216 dated 01.09.2022, under Sections 302, 120-B IPC and 25 (1-B) (a) of Arms Act, (Sections 109, 201 and 216 of IPC added later on), registered at Police Station, Civil Lines, District Gurugram, Haryana.

(ii) Counsel for the petitioner contends that petitioner has been falsely implicated as accused in the present case. The deceased in the instant case is Sukhbir and FIR has been got registered by his son Anurag. Referring to para 3 of the present petition, counsel describes that by conducting the supplementary investigation, one after the other, total 06 challans, including supplementary challans were filed and name of the petitioner i.e. Balwan @ Bablu, aged 35 years, was there in the 6th challan and he is in custody since 14.05.2024. Thus, submits that similarly situated co-accused namely Joginder Khatana (Annexure P-



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6), Amit (Annexure P-7) and Dharambir (Annexure P-9) have already been released on bail.

(iii) While referring to para 51 of the judgment passed by the learned Additional Sessions Judge, Gururgram, vide order dated 11.08.2025 (Annexure P-10), counsel submits that similarly situated co-accused against whom allegation of conspiracy was there, namely, Joginder, Vikram @ Papla, Manohar, Somdutt, Sonu, Manjeet, Rohit, Rahul s/o Raj Kumar, Deepak s/o Braham Parkash, Yogesh s/o Dharmbir, Nonu, Amit, Akash, Gaurav and Rahul @ Chuhiwala son of Raj Kumar have been acquitted.

(iv) Further submits that there is a long list of the witnesses, wherein 84 witnesses are yet to be examined and once the similarly situated co-accused have already been acquitted, petitioner being inside jail approximately for a period of 01 year and 03 months, should not be detained in any further, without therebeing any distinction of role as of the already acquitted accused.

(v) Mr. Amish Sharma, AAG, Haryana, appearing on advance notice, prays for a short adjournment to go through the paperbook and the orders referred to by the counsel for the petitioner, and thereafter to file a status report in regard to the submissions.

(vi) List on 17.11.2025.”

5. Thus, counsel for the petitioner submits that petitioner's plea for releasing him on bail be considered on parity basis alongwith the aspect that no specific role of causing any injury is attributed against him.

6. On the other hand, learned State counsel is unable to deny the fact that the other similarly situated co-accused, whose particulars have been recorded in the order dated 12.09.2025 (*supra*) have been released on bail and petitioner's role is not much distinguishable to the said accused. Broadly speaking, learned State counsel concedes to the position, which has been explained by the petitioner's



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counsel.

7. Taking note of the submissions addressed and recorded on the previous date of hearing i.e. 12.09.2025, and also the conceded position at the instance of learned Sr. DAG Haryana, 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. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

January 28, 2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No