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

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Date of decision: 15.01.2026

GURBHIAJ SINGH @ GURBEJ @ GURI**...PETITIONER****VERSUS****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Ms. Aarti Sharma, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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.366, dated 02.10.2022, under Sections 302 of IPC, (Sections 120B, 201 and 34 of IPC added later on), registered at Police Station Barauda, District Sonapat.

2. Succinctly the facts of the case is that the FIR was lodged on the statement of the complainant, namely, Vinod Kumar. It was alleged that his brother Umesh was married to Jyoti. He was doing the job in DBM Private School, Village Madina as teacher. On 01.10.2022, he went to the school but did not return. His wife also made him repeated calls, but the phone was found to be switched off. Thereafter, they got the information that dead body of Umesh was lying near the railway bridge. They reached there and found Umesh lying dead. On search, they found his scooty and mobile phone not with the deceased. It was suspected that Umesh had been murdered by some unknown persons. The request was made to take legal action against the accused persons. On the registration of

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the FIR, investigation commenced. During investigation, the complicity of the petitioner surfaced wherein it was found that he in connivance with the wife of the deceased has killed Umesh. Thus, he was arrested on 06.10.2022. On completion of the investigation, the challan was presented. On framing of charges, trial commenced. He approached the learned Additional Sessions Judge, Sonipat for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Sonipat declined the bail application vide order dated 03.05.2025. Thus, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner submits that the case of the prosecution is based on the circumstantial evidences. The petitioner has been implicated in the present case only on the basis of presumptions and assumptions. She further submits that the petitioner had no concern with the family of the deceased. The petitioner was implicated in the present case merely on the basis of the suspicion raised by the father of the deceased. She further submits that the case being based on circumstantial evidences, the chain itself is not complete. She further submits that petitioner is behind bars since 06.10.2022 and he is involved in one more case, however, he is on bail in that case. The majority of the witnesses have already stand examined. Thus, there is no probability that the petitioner is in as position to influence the prosecution witnesses. Thus, in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Status report by way of affidavit of Rahul Dev, HPS, Assistant Commissioner of Police, Gohana, District Sonipat on behalf of the respondent-State has been filed in Court today and the same is taken on record. Copy thereof has been supplied to the opposite counsel.

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made by counsel for the petitioner. He has submitted that the petitioner is a paramour of the wife of the deceased. He further submits that during the investigation, the call details of the petitioner were verified which were sufficient to prove his relationship with the wife of the deceased, who is the co-accused. He further submits that the weapon of offence i.e. the baseball bat was also recovered at the instance of the petitioner and the vehicle used in the offence was also recovered from the petitioner. He, on instructions, submits that out of 26 prosecution witnesses, 15 have been examined. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case of prosecution is based on the circumstantial evidences. The petitioner is alleged to be paramour of the wife of the deceased. Custody certificate produced would show that the petitioner has completed incarceration of 03 years, 03 and 09 days as on 14.01.2026. It further reflects that the petitioner is involved in one more case, however, he is on bail in that case. Out of 26 prosecution witnesses, 15 have been examined.

8. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the custody and the stage of the trial, 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 this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.

Accordingly, the present petition is allowed. Petitioner is ordered to be released



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on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

15.01.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No