



234

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

CRM-M-10240-2025

Date of decision : 27.02.2025

Nishant Gurung @ Babu

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ankit Singla, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.401 dated 11.11.2021, under Sections 120-B, 302, 506 & 34 of IPC, registered at Police Station Saran, District Faridabad.

2. Succinctly, facts of the case are that the FIR was registered on the statement of the complainant, namely, Ranjit Singh son of Gurdyal Singh. It was alleged that on 10.11.2021, at about 10:15 to 10:30 p.m., his brother Bhagat Singh was returning with milk from the shop. As he reached near the house of Balbir, then Gurmeet son of Buta Singh, Babu Nepali (petitioner) and two other boys were already sitting near the house of Deshraj. He heard cries "maar diya maar diya" and hence, he rushed towards the scene of occurrence. He found that his brother Bhagat Singh was being attacked by those boys with weapons i.e. hocky, rod and danda. He shouted for help and tried to save his brother, however, they all were threatening that in case anyone intervenes, he would be shot. After inflicting injuries to his brother, all the accused fled away from there on



their scooties. They shifted his brother, who was drenched in blood, to the hospital, where he was declared dead by the doctors. It was alleged that Gurmeet and his accomplices had committed murder of his brother as an act of vendetta as there was money related dispute between them. Request was made to take legal action against the accused persons. On registration of the FIR, the investigation commenced. During the investigation, Monu and Niku @ Naveen were arrayed as accused and petitioner was arrested on 12.11.2021. Thereafter, petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by vide order dated 07.02.2024. Hence, the petitioner has approached this Court by way of filing the present petition praying for grant of bail.

3. Learned counsel for the petitioner has contended that in all there are 04 accused in the present FIR, out of which 03 accused have already been granted the concession of regular bail. He submits that case of the petitioner is at par with that of Gurmeet Singh, who has already been granted the concession of regular bail vide order dated 15.01.2025, passed in CRM-M-55725-2022. He submits that the petitioner was named in the FIR and his co-accused, namely, Gurmeet Singh was also named in the FIR, however, he is already on bail. He thus claims parity with that of co-accused, namely, Gurmeet Singh and hence submits that in the facts and circumstances of the case he deserves to be granted bail.

4. Learned State counsel has also vehemently opposed the submissions made by counsel for the petitioners. He, on instructions from ASI Shyambir, has submitted that the case of the prosecution is based on eye witness account and all the witnesses have duly supported the case of



the prosecution. He submits that during investigation, it has been found that the petitioner had given iron rod blow to the deceased. He submits that out of total 25 prosecution witnesses, 09 witnesses have already been examined. He has produced the custody certificates of the petitioner before this Court, which shows that the petitioner has undergone incarceration of 03 years, 03 months and 14 days as on 24.02.2025. He has further stated that the petitioner is involved in 04 other cases and as such he is not entitled to any relief. It is submitted that the petitioner having committed a heinous offence, do not deserve concession of bail and hence, he submits that the present petition deserves to be dismissed.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts and circumstances of the case that the occurrence in the present case had taken place on 10.11.2021. The FIR was lodged on the statement of complainant - Ranjit Singh. During the investigation, involvement of four accused was found by the Investigating Agency and thus, challan was presented. On framing of charges, examination of the prosecution witnesses commenced. The petitioner is behind bars since 12.11.2021. The case of the petitioner is at par with that of co-accused, namely, Gurmeet Singh, who has already been granted the concession of regular bail vide order dated 15.01.2025, passed in CRM-M-55725-2022. Though there are other cases pending against the petitioner but mere registration of the same, cannot be held to be a ground for rejection of his bail, in the present case.

6. The veracity of the allegations would be assessed only after 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 sufficiently long time. Thus, keeping in view the overall facts and



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

27.02.2025

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(**RAJESH BHARDWAJ**)
JUDGE

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