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

CRM-M-41431-2025

Date of decision : 29.08.2025

Mukul Upadhaya

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rahul Garg, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail to the petitioner in case FIR No.10 dated 14.01.2024 under Sections 147, 148, 149, 302, 307 & 120-B of IPC and Sections 25, 25(1) (8) and 27 of Arms Act, registered at Police Station Bhupani, District Faridabad.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Bijender Pal. It was alleged that his brother Surender purchased 1 ½ Bigha land in village Nacholi and after about 05 years, Kapil and Sunil had encroached upon the same in their absence. The complainant requested them to vacate the same. On 14.01.2024, when complainant along with his brother went to see their fields, then Kapil @ Mohit, Sunil, Rambir, Yogesh, Mohit, Krishan, Jagroshni, and others armed with *pharsas* and country made pistol, attacked upon his brother-Ram Sewak and caused gun shot injuries. He was taken to Asian Hospital, Faridabad, however, he was declared dead. Thus, request was made to take legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the



complicity of petitioner was surfaced and resultantly, he was arrested on 14.10.2024. He approached the Learned Additional Sessions Judge, Faridabad, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Faridabad vide order dated 11.12.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-64651-2024, which was declined vide order dated 28.03.2025. Hence, petitioner is before this Court praying for grant of bail by way of filing of present second petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Atender @ Bhola and Abbas. He has drawn the attention of this Court to the orders dated 19.09.2024 and 29.11.2024 passed in **CRM-M-31149-2024 and CRM-M-57539-2024**, respectively, whereby the co-accused of the petitioner, have been granted regular bail by this Court. He submits that the petitioner is in custody since 14.10.2024. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and has submitted that the petitioner was involved in the conspiracy and had supplied arms to the co-accused, which were used in the commission of offence. He further submits that the petitioner is involved in 03 other cases. He endorsed the factum of grant of bail to the co-accused of the petitioner as stated above



and has not denied that the petitioner is at par with co-accused, namely, Atender @ Bhola and Abbas. He has produced the custody certificate of the petitioner on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 14.10.2024. Admittedly, co-accused, namely, Atender @ Bhola and Abbas are on bail and the case of the petitioner as stated is at par with them. As per custody certificate produced, the petitioner has suffered an incarceration of 10 months and 15 days as on 28.08.2025.

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.

7. 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. 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 Court/Duty Magistrate.

8. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

(**RAJESH BHARDWAJ**)
JUDGE

29.08.2025

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