



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

229

1) **CRM-M-37098-2025**
Decided on : 08.10.2025

Deepak . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

2) **CRM-M-25389-2025**

Krishan @ Gatha . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Aarti Sharma, Advocate,
for the petitioner(s) (in CRM-M-37098-2025).

Mr. Sahil Nain, Advocate
for the petitioner(s) (in CRM-M-25389-2025).

Mr. PK Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-37098-2025 & CRM-M-25389-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-37098-2025.

2. The instant petitions, i.e., first petition on behalf of the petitioner – Deepak (CRM-M-37098-2025) and second petition on behalf of the petitioner – Krishan @ Gatha (CRM-M-25389-2025), have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have 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 |
|--|---------|------------|---|----------------|----------|
| Deepak (petitioner in CRM-M-37098-2025) | 124 | 21.02.2021 | 148, 149, 186, 332, 353, 302, 379b, 120-B of IPC and 45 of the Prisons Act. | City Sonipat | Sonipat |
| Krishan @ Gatha (petitioner in CRM-M-25389-2025) | | | | | |

3. A few facts necessary for adjudication of the cases may be noticed.

FIR in question was registered on the basis of a statement made by Ankit Malik, Deputy Superintendent of Jail, District Jail Sonipat, in regard to an incident dated 21.02.2021, which occurred at about 08:30 AM, when breakfast was being distributed to jail inmates.

As per the allegations, inmates of Block No.4, namely Dinesh s/o Jagdish and Rohit s/o Jai Bhagwan, caught hold of Naveen @ Mandori (Surveillance Security Warden) and started assaulting him. During this time, Rajnish @ Palu, Pawan, Deepak s/o Ram Phal (petitioner herein in CRM-M-37098-2025), and Anil s/o Ram Pal, caught hold of Head Warden Kadam Singh and started giving him beatings.

Meanwhile, other inmates, including Amit @ Mota, Mahipal @ Mahala, Ravinder @ Thekedar, Praveen @ Raghubir, Rohit @ Deepak @ Fort s/o Vinod, and Geetu @ Parinde, entered into Chakki No.20 and attacked one Jagbir Singh s/o Ramphal on his head and chest with sharp objects and strangulated him with a blanket, resulting in his death.

4. Learned counsel for the petitioners submit that the name of the deceased in the incident is Jagbir Singh and the cause of death has been opined as the “combined effect of ligature strangulation and punctured injuries described over the chest.”

Ms. Aarti Sharma, learned counsel, further argues that none of the injuries have been attributed to either of the petitioners as having been caused to the deceased Jagbir. The name of petitioner Deepak (in CRM-M-37098-2025) though mentioned in the FIR, but he is merely attributed the role of catching hold of Head Warden Kadam Singh, without causing any injury to the deceased.

It is thus argued that the role attributed to either of the petitioners cannot be said to have been the cause of death of Jagbir (deceased), who was assaulted by other accused in Chakki No.20, which was at a considerable distance from the location of petitioner Deepak s/o Ramphal.

5. Mr. Sahil Nain, learned counsel, while arguing the bail petition on behalf of petitioner – Krishan @ Gatha (in CRM-M-25389-2025), submits that his first bail petition was disposed of as “not pressed” vide order dated 24.04.2024. There being no specific role attributed to him, the present petition has been filed afresh since, despite the lapse of more than one year and five months, the trial has not progressed with reasonable pace, causing undue delay in consideration of his bail plea.

6. Learned counsel further contends that petitioner – Krishan @ Gatha @ Krishan Kumar was, in fact, confined in another jail, i.e., District Jail Karnal, at the time of the incident, and this fact is not disputed even by the prosecution. It is also argued that the only allegation against him is that he is a member of a gang, namely “Sanjay Butana Gang,” and that the murder of Jagbir (deceased) was allegedly committed at his instance. However, no substantive evidence has been collected during investigation to support such an allegation. Therefore, his continued incarceration is unjustified and violative of his right to liberty.

7. On the other hand, learned State counsel, while opposing the bail petitions, submits that petitioner – Krishan @ Gatha (in CRM-M-25389-2025) is indeed a member of the “Sanjay Butana Gang” and is involved in 19 other criminal cases. However, it is fairly conceded that the name of petitioner Krishan @ Gatha does not figure in the FIR, and at the time of the incident, he was lodged in District Jail Karnal.

With regard to the other petitioner, Deepak s/o Ramphal (in CRM-M-37098-2025), learned State counsel also concedes that there is no material on record to show that he caused any injury to the deceased or was even near him at the time of the murder of Jagbir.

8. I have heard learned counsel for the parties and perused the relevant material available on record.

9. Admittedly, both the petitioners have been in custody for about four years and seven months. Out of a total of 28 prosecution witnesses, only 20 have been examined so far. There is nothing on record to suggest that the delay in the trial is attributable to the conduct of the petitioners. Therefore, in the given facts and circumstances, this Court is constrained to consider their prayer for bail.

10. Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their 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.

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

12. 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.

Petitions stand disposed of.

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

Photocopy of this order be placed on the file of other connected case.

**(SANJAY VASHISTH)
JUDGE**

October 08, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No