

Rajesh, Gagan S/o Sukhdev, Ravinder alias Billu S/o Subhash Singh, and Saurabh Baba S/o Roshan Lal, who allegedly assaulted the deceased and his cousin Jagroop Singh S/o Nishant Singh. It is further stated in the FIR that Harshit Bora opened fire at the chest of the deceased and also pointed a firearm at the chest of Jagroop Singh. It is alleged that the gunshot fired by Harshit Bora hit the chest of the deceased, causing grievous injuries. The injured was referred to a higher centre; however, while in transit, he succumbed to his injuries.

7. Learned counsel for the Applicant submits that the Applicant has been falsely implicated and is in judicial custody since 18.03.2025. It is further submitted that a co-accused, namely Gursharan Singh alias Gagan, having an identical role, has already been granted bail by this Court vide order dated 26.02.2026, and on the ground of parity, the present Applicant is also entitled to be enlarged on bail.

8. Learned State Counsel opposes the Bail Application and submits that the dying declaration of the deceased is consistent with the prosecution version and the *fard-beyan*, and is further supported by the statements of other prosecution witnesses.

9. Learned counsel for the complainant also opposes the Bail Application and submits that the dying declaration of the deceased was recorded by the Investigating Officer in the presence of a Medical Officer, and the same has been placed before this Court in a pen drive. It is further submitted that the deceased had categorically narrated the incident, and therefore, the Applicant may not be enlarged on bail as he may pose a threat to the complainant and other witnesses.

10. Considering the facts and circumstances of the case and upon perusal of the record, this Court finds that, at this stage, sufficient

grounds exist for grant of bail, firstly, on the ground that the present Applicant is not the main assailant who fired upon the deceased, and secondly, on the ground of parity, as the co-accused having an identical role has already been granted bail. As regards the dying declaration, the same shall be considered at the stage of trial, as it involves various legal aspects concerning its admissibility. Without expressing any opinion on the merits of the case, this Court is of the view that the Applicant is entitled to be released on bail at this stage.

11. Accordingly, the Bail Application is allowed.

12. Let the Applicant be released on bail upon his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned.

13. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

01.04.2026

Shiksha