

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

280

**CRM-M-4966-2023**  
**Date of decision: 07.02.2023**

**ASHOK KUMAR ALIAS NEETU**

....Petitioner

**Versus**

**STATE OF HARYANA**

...Respondent

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present : Mr. Sushil Sheoran, Advocate  
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

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**VINOD S. BHARDWAJ. J. (ORAL)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 156 dated 18.09.2021 registered under Sections 148/149/323/506 (Section 302/120-B added later-on) of the Indian Penal Code, 1860 at Police Station Bond Kalan, District Charkhi Dadri.

2. FIR was registered on the statement of Azad Singh, the father of the deceased. It is alleged that on 14.09.2021, petitioner-accused Ashok Kumar son of Rakesh alongwith Arvind son of Ajit, Ajay son of Anand, Ankur son of Jagtu, Rahul son of Sukhbir, Dinesh son of Jagbir and some unknown persons thrashed deceased Atul aged about 17½ years and fled away. Complainant Azad Singh had also scolded his son not to fight. Atul was brought home and Turmeric Ghee

Milk was given but to no relief. He was taken to Kadam Hospital, Bhiwani, where he became unconscious. He was then referred to and admitted in Trauma Centre PGIMS Rohtak, where he succumbed to the injuries 19.9.2021.

3. It is submitted by the petitioner that during investigation, police recorded statement of all the 5 independent eye-witnesses under Section 161 Cr.P.C. , who told that deceased Atul had entered the house of Jaibir with bad intention on the daughter of said Jaibir. Boys of the village caught-hold of Atul and informed his parents. Mother and father of Atul reached the spot. Mother took a danda from the hands of Ankur and handed over the same to Azad Singh, the father of Atul. Azad Singh then gave brutal beatings to Atul. At the time when parents of the injured reached the spot, Atul was fully conscious. Moreover, Rahul & Ajay, who were named in the FIR as assailants, were found innocent during investigation. Petitioner further submits that he is in custody since 24.09.2021 with no criminal antecedents. He submits that he has been falsely implicated. Police recovered a video clip prepared at the time of incident, in which father of the deceased is shown giving beatings to the deceased. It is on the basis of that video clip that police implicated the father of the deceased i.e. complainant Azad Singh as one of the accused.

4. Learned counsel for the petitioner further submits that there is delay of 4 days in registration of FIR i.e. the occurrence was of 14.09.2021 and FIR has been registered on 18.09.2021. Father of the deceased did not make any statement intentionally when police went to the Kadam Hospital, whereas mother did not make the statement

because beatings had been given by the father himself. In the ruqqa dated 15.09.2021 sent to the police, it was mentioned that Atul was admitted due to unknown assault as told by the attendant. Petitioner further submits that father of the deceased i.e. Azad Singh, who was made an accused, was later on released on bail by learned Additional Sessions Judge, Charkhi Dadri. Although in the MLR six injuries are shown but the PMR records 14 injuries, which are on the non-vitals parts. Cause of death was due to complications on account of injuries. With all these submissions, prayer is made by petitioner to grant regular bail. He further submits that similarly placed accused namely Arvind and Dinesh have already been granted concession of regular bail vide order dated 19.01.2023 passed in CRM-M-28497-2022 and order dated 31.01.2023 passed in CRM-M-4013-2023 respectively.

5. Learned State counsel though does not dispute the fact that Azad Singh - complainant of the case i.e. father of deceased was later on made an accused in the case on the basis of video clip but it is submitted that as many as 14 injuries were found on the person of the deceased in the postmortem report. It has been observed by the learned Additional Sessions Judge in the order for granting bail to Azad Singh that he could not had the intention to murder his own son. It is submitted that deceased was given merciless beatings resulting in his death and that witnesses are yet to be examined and for the same so, petitioner does not deserve to be given the benefit of bail. He also could not dispute the fact that the similarly placed co-accused(s) have already been granted the concession of regular bail.

6. I have heard learned counsel appearing on behalf of the

respective parties and have gone through the record with their assistance.

7. Taking into consideration the facts noticed above, the period of actual custody of one year and four months alongwith his non involvement in any other criminal case and also the fact that the similarly placed co-accused have already granted concession of bail by this Court. I deem it appropriate to enlarge the petitioner on bail upon the satisfaction of the Trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing the requisite bail bond/surety bond upto the satisfaction of the Trial Court/Duty Magistrate concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of the material available.

The petition is allowed.

(VINOD S. BHARDWAJ)  
JUDGE

FEBRUARY 07, 2023

*vishal sharma*

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