

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

**CRM-M-48340-2023 (O&M)**

**Date of decision : 29.09.2023**

Jai Kishan @ Chhotu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Nitin Sharma, Advocate,  
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.90 dated 30.04.2022, under Sections 148, 149, 323, 452, 506 and 302 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Raipur Rani, District Panchkula.

2. As per prosecution story, on 29.04.2022 at around 9.30 PM, complainant-Narinder Kaur along with her husband, Pardeep Kumar (deceased) and son was sitting on the roof of their house. Meanwhile, they heard some noise and found that Vikram, Anita, Sachin, Chhotu (present petitioner) and some unknown persons were hurling abuses to them. When complainant's husband objected, Vikram threw a glass bottle towards him. Thereafter, all the assailants

came to the roof of their house and inflicted injuries to the complainant party and left the spot. The injuries suffered by Pardeep Kumar proved fatal; as he died on 05.05.2022.

3. Contends that petitioner has not caused any injury to the deceased; rather the allegations, at best, are that he inflicted simple injury to the complainant-Narinder Kaur. Also contends that petitioner is in custody since 05.05.2022 and trial is likely to take sufficient long time; thus, he be granted the bail pending trial.

4. *Per contra*, learned State counsel while opposing the prayer, submits that deceased-Pardeep Kumar was inflicted multiple injuries and petitioner being member of an unlawful assembly actively participated in the commission of crime. Further submits that Pardeep Kumar died on account of the injuries suffered during the alleged occurrence and reference in this regard has been made to the post-mortem report of the Medical Board, PGIMER, Chandigarh and same is taken on record as **Mark 'X'**. Again submitted that petitioner is a habitual offender; as he is facing 04 other criminal cases.

5. Heard learned counsel for the parties and perused the paper-book.

6. As per the post-mortem report, cause of death in the present case is opined as under:-

***“OPINION***

***Cause of Death***

*Craniocerebral damage consequent to injury numbering 1 and 10 as a result of blunt trauma to the head sufficient to cause death in ordinary course of nature*

***Antemortem/Postmortem****All injuries described above are antemortem in nature****Nature of Weapon/Force****Blunt for all the injuries****How the injury would be Cause****Possible in the manner as alleged****Probable time***

- |                  |                                                            |                                               |
|------------------|------------------------------------------------------------|-----------------------------------------------|
| <b><i>a.</i></b> | <b><i>Between injury and death</i></b>                     | <i>Around 5 to 6 days</i>                     |
| <b><i>b.</i></b> | <b><i>Between death and<br/>postmortem examination</i></b> | <i>10 hours 56 minutes as<br/>calculated”</i> |

A bare perusal of the above extract clearly reveals that deceased died due to the head injuries suffered by him. Still further, as per allegations in the FIR, petitioner being member of an unlawful assembly actively participated during the occurrence.

Apart that, as on today, petitioner is facing 04 other criminal cases. Thus, in such a scenario, there is every possibility that in case of releasing the petitioner on bail, he is most likely to influence the witnesses and/or even tamper with the evidence.

7. In view of the above, this Court does not find any ground to accept the prayer of petitioner.

8. Consequently, there is no option, except to dismiss the petition.

9. Ordered accordingly.

10. The above observations may not be construed as an expression of opinion on merits of the case in any manner; rather confined only to decide the present bail application.

11.           However, in view of the custody of petitioner, ld. trial Court is requested to proceed in the matter expeditiously, if there is no legal impediment.

12.           Pending application(s), if any, shall also stand disposed off.

**29.09.2023**  
*atulsethi*

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

|                                   |   |            |   |           |
|-----------------------------------|---|------------|---|-----------|
| <i>Whether speaking/ reasoned</i> | : | <i>Yes</i> | / | <i>No</i> |
| <i>Whether reportable</i>         | : | <i>Yes</i> | / | <i>No</i> |