



CRM-M-2039-2024

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IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CRM-M-2039-2024
Decided on:07.05.2024

Rahul Petitioner

versus

State of Haryana Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Sidher, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, DAG, Haryana.

Manjari Nehru Kaul, J. (Oral)

This is the second bail application filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.689 dated 11.10.2021 (Annexure P-1) registered under Sections 302, 323 and 34 IPC (Sections 120-B and 201 IPC added later on) at Police Station HTM Hisar, Hisar.

2. Learned counsel for the petitioner contends that he has been falsely implicated in the case in hand only on the basis of hearsay evidence; there is no specific attribution to him in the occurrence in question other than a blow with a wooden stick, however, the cause of death as opined by the doctor was not with a wooden stick. Learned counsel has asserted that as per the postmortem report, the deceased Atul (hereinafter referred to as 'deceased') had died on account of injuries sustained by him with an axe, which even as per the case of the

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prosecution, was not with the petitioner but with co-accused Deepak @ Deepu. Learned counsel has further submitted that even otherwise the injury attributed to the petitioner is a simple injury and not grievous injury on the person of the deceased. Learned counsel has still further submitted that it is a case resting on circumstantial evidence and the motive as projected by the prosecution for the petitioner and his son to commit the crime i.e. some money dispute, does not appeal to reason. The petitioner has now been in custody since 29.10.2021 and the likelihood of the trial concluding anytime soon, does not seem probable as 18 witnesses still remain to be examined.

3. Learned State counsel, on the other hand, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that both the petitioner as well as his son actively participated in the occurrence in question, which led to the deceased succumbing to the injuries inflicted upon him; the petitioner was armed with a wooden stick whereas his son was armed with an axe. Both the accused together inflicted multiple injuries not only on the person of the deceased but also his friend namely Dinesh, who too had accompanied the deceased to the place of occurrence, and that too, on the asking of none other than co-accused Deepak @ Deepu. Learned State counsel has submitted that the motive for the accused to commit the crime was some money, which they owed to the deceased with respect to some labour charges, which the deceased had been demanding from the accused since long. Learned State counsel, on instructions, has further submitted that while stepping into the witness box both the material

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witnesses including the complainant had supported the case of prosecution in its entirety. Learned State counsel has also submitted that since the material witnesses i.e. complainant and stamped witness stand examined, trial would not take much time to conclude.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. The prosecution case was set in motion on the statement made by Tejender (brother of the deceased), who stated that the deceased, who was his unmarried brother, had undertaken the task of fixing flex board for accused Deepak @ Deepu (son of the petitioner) in which regard, the accused owed Rs.2500/- as labour charges to the deceased. On the fateful day, at about 9.30 pm, co-accused Deepak @ Deepu called the deceased to his house to collect his payment. The deceased as well as his friend Dinesh went there on a motorcycle. Upon arrival, co-accused Deepak @ Deepu along with the petitioner attacked them; while co-accused Deepak struck the friend of the deceased, Dinesh, on the left side of his head with an axe, the petitioner inflicted injuries on the head of the deceased with a stick. Besides, the deceased was even attacked by co-accused Deepak injured him with an axe, as a result of which, the deceased fell down in the street. After committing the crime in question, the co-accused Deepak then telephonically informed the complainant's uncle about the occurrence and asked him to take away the deceased; when the complainant and his uncle arrived at the spot, both the accused including the petitioner were found present along with their respective weapons. Injured Dinesh also provided other details qua



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the mode and manner in which both the accused including the petitioner inflicted injuries upon them. Thereafter, the deceased was rushed to the hospital, however, he succumbed to his injuries; injured Dinesh was also taken to the hospital where he received medical attention.

6. *Prima facie*, it does appear that both the accused including the petitioner were active participants in the occurrence in question in which one person received fatal injuries while the other person received injuries on his person; soon after the occurrence in question, the complainant rushed the deceased to the hospital where he subsequently died. The FIR in question was promptly lodged and hence, at this stage, there is no reason to doubt the veracity of the prosecution version.

7. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. However, keeping in view the long incarceration of the petitioner, the trial Court is directed to expedite the trial and conclude it at the earliest, preferably within a period of six months.

07.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No