



CRM-M-24419-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24419-2024
Date of Decision :- 16.10.2024

Manish Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Arun Luthra, Advocate
for the petitioner.

Mr.Aman Bahri, Addl.A.G., Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This is the fourth petition filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0596	19.11.2019	Shahabad, District Kurukshetra	148, 149, 323, 324, 506 IPC (Sections 307 and 302 IPC were added later on)

2. Version of the prosecution is that FIR, Annexure P3, has been registered on the statement of Abhilash Kumar claiming that he, along with his family members had gone to attend the marriage of a relative on 18.11.2019 where an altercation took place between his father Subhash and Manish, present



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petitioner. On intervention of the relatives, the dispute was resolved and Manish was sent home. After some time, Manish accompanied by Goldy, Rahul, Naseeb Singh and three other persons, who were armed with wooden stick and binda attacked them. Manish Kumar, who was carrying a knife, stabbed and inflicted injuries on the head and left elbow of his brother, Hira Lal. The other accused also assaulted them. When the injured raised an alarm, the relatives started gathering and the accused sped from the spot and left their weapons behind. The complainant and his brothers Rahul and Hira Lal were admitted in the hospital. Hira Lal was referred to Chandigarh, where he was admitted in GMCH, Sector 32, Chandigarh. He died a few days later.

3. Counsel for the petitioner has contended that the petitioner, who is a young man of 26 years of age has been falsely implicated. He submits that Hira Lal expired on 06.12.2019 during the course of treatment due to cardiac arrest and his death has no connection with the injuries allegedly inflicted upon him. He has referred to the medical certificate dated 06.12.2019, Annexure P8, to support his submission. Counsel has also relied upon the cross-examination of Dr. Ashok Kumar, PW11, to contend that cardiac arrest could occur due to any other reason and is not related to stab injury. It is his case that the petitioner had suffered injuries in the altercation, but the police refused to register an FIR. Referring to Annexure P2, counsel asserts that petitioner has medical issues. He submits that as the material prosecution witnesses have been examined and the petitioner, who is in detention since 08.12.2019, deserves to be enlarged on bail.

4. *Per contra*, learned State counsel, upon instructions, has opposed the petition by submitting that the death is the outcome of stabbing and the petitioner cannot claim innocence. By making a reference to the interim orders dated 02.2.2023 and 17.02.2023 passed by the Trial Court, he submits that all the prosecution witnesses have been examined and the statement of the accused



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has been recorded under Section 313 Cr.P.C., but the conclusion of the trial has been delayed because the petitioner has moved application under Section 210 Cr.P.C. for clubbing of a complaint case with the FIR.

5. I have heard the counsel for the parties and considered their respective submissions.

6. The petitioner and the co-accused assaulted the complainant and his family members without any provocation. Although the medical certificate, Annexure P8, prepared at the time of the death of Hira Lal shows the cause of death as cardiac arrest but while giving the details of the procedure performed on the deceased, Dr.Ashok Kumar, PW11, in his testimony has specifically stated that the death is not natural and attributed it to stab injuries. This Court is, therefore, prima facie of the view that there is sufficient incriminating material against the petitioner to prove his guilt. No doubt, the petitioner is in incarceration for the last more than four years, but the prosecution concluded its evidence more than one and a half year earlier and the culmination of the trial is being delayed because of an application moved by the petitioner. The prosecution therefore cannot be made accountable for the delay in the conclusion of the trial. An examination of the medical record, Annexure P2, shows that the petitioner has been diagnosed with 'Pilonidal Sinus' (an inflammatory condition involving hair follicles), which is not serious, so as to justify the release of the petitioner from detention at the fag end of the trial.

7. Noticing the nature of allegations levelled against the petitioner, the seriousness and gravity of the offence as also the advanced stage of the trial, this Court is not inclined to exercise its discretionary power and grant concession of bail to the petitioner.

8. Finding no merit in the petition, it is dismissed.

9. As a matter of an abundant caution, it is clarified that nothing said



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hereinabove shall be construed to be an expression of opinion on the merits of the case.

16.10.2024

Brij

Whether reasoned/speaking :

Yes/No

Whether reportable :

Yes/No

(SUVIR SEHGAL)
JUDGE