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

**CRM-M-26942-2024**

Date of Decision:- 13.08.2024

**NARENDER**

....Petitioner

Vs.

**STATE OF HARYANA**

...Respondent

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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**AMARJOT BHATTI, J. (Oral)**

1. Petitioner – Narender has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.256 dated 12.05.2023 under Section 323, 302 and 34 of IPC registered at Police Station Sector Model Town Rewari, District Rewari.

2. Brief facts of the case are that complainant used to sell *parantha* in front of the gate of grain market. He was having two sons Deepanshu and Nitin. On the day of occurrence, both of his sons had come to help him. There was a Hotel Himani across the street behind his *Dhaba*. On that day Narender had come to the Hotel. At about 12.30 mid-night. Complainant had gone to the Hotel to buy *bidi (tobacco rolled in leaf)* where Narender and Rohit were sitting. Both of them started abusing him and when he resisted, Narender slapped him and Rohit picked up an iron



pipe lying nearby and hit on the left side of his neck. Narender caught hold him whereas Rohit gave blow on his waist. On hearing alarm, both sons came to rescue him. Narender and Rohit slapped Deepanshu and pushed him hard as a result he fell down and both of them caused injuries to Deepanshu who become unconscious and did not respond thereafter. Both assailants ran away from there. His son Deepanshu was taken to Government Hospital, Rewari where he was declared as dead. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that no offence under Section 302 IPC is made out. In-fact, Deepanshu fell down on the ground during fight. He was not caused any injury. Present petitioner is not attributed any specific blow. As per the facts narrated in the FIR, it is alleged that he caught hold of the complainant and the blow is attributed to Rohit. Present petitioner was arrested on 12.05.2023. Since then he is behind the bars. He is ready to abide by the terms of bail order. Therefore, his regular bail may be allowed.

4. Bail application is opposed by learned counsel representing the State. Detailed status report has been filed. It is argued that present petitioner is specifically named. After completion of investigation, challan has been presented against both the accused on 26.07.2023. Chargesheet has been framed on 19.09.2023 and the case is fixed for prosecution evidence. Main witnesses Narender, Nitin and Phool Singh have been summoned by the trial Court. Therefore, considering the gravity of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. In this case son of complainant namely Deepanshu lost his life in



occurrence. As per the post-mortem report mentioned in the status report, there were three injuries on the person of deceased victim out of which two injuries were on vital part of the body i.e. brain. Post-mortem report is Annexure R-1. Challan in this case has been presented and the present petitioner along-with co-accused has been chargesheeted. Trial is at initial stage. Material witnesses are yet to be examined.

6. Considering the gravity of offence and specific attribution, I do not find a fit case for grant of regular bail and the same is, accordingly, declined.

7. Pending application (s) if any also stands disposed of.

13.08.2024

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**(AMARJOT BHATTI)**  
**JUDGE**

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No