

2024:PHHC:108576



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M No.28743 of 2024
Date of Decision: 22.08.2024

Dheeraj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rohit Kaushik, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
521	13.11.2023	Parao, Ambala Cantt. District Ambala	186, 332, 353, 302 and 34 of IPC

2. The relevant facts in brief are that on 13.11.2023, on receipt of an information regarding death of one Rajbir Singh having taken place during the course of treatment in General Hospital, Sector-32, Chandigarh wherein he was admitted on account of injuries sustained by him in some altercation, having taken place at Ambala Cantt, a police party reached at the hospital and recorded the statement of the complainant Amit son of the victim Rajbir Singh to the effect that the

2024:PHHC:108576



victim was employed as a driver in Haryana Roadways and was posted at Ambala Depot. He was performing duty of preparing entry fee receipts of buses coming from other states at Bus Stand Ambala Cantt. On the previous night also, he was performing duty at the bus stand. He alleged that in the morning of 13.11.2023 at about 2:40 AM, he received information about his father sustaining injuries and about his being taken to General Medical College, Sector-32, Chandigarh. He stated that on reaching there, he found several injuries on the person of his father. He came to know that 3-4 youths who were boarding a Duster vehicle bearing registration No.HR-19G-8118 had entered into an altercation with his father and caused injuries to him when his father stopped them to park a vehicle at wrong place. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of dead body of the victim Rajbir Singh was also conducted. During the course of investigation, the complainant recorded his statement thereby disclosing the names of the petitioner and the co-accused as the persons who had caused injuries to the victim. The petitioner and co-accused were arrested on 15.11.2023. The petitioner suffered disclosure statement admitting his involvement in the subject crime. He along with the co-accused got recovered the vehicle used at the time of occurrence. On further investigation, offence under Section 302 of IPC was deleted whereas the offence under Section 304 of IPC was added. Investigation has since been completed. The petitioner had filed an application for grant of regular bail before the learned trial Court which has

2024:PHHC:108576



been dismissed vide order dated 22.04.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 15.11.2023. There are contradictory medical opinions as to cause of death of the victim since as per the postmortem report, the death had occurred due to cardiac arrest whereas according to the final opinion given on 19.04.2024 by the doctors of General Medical College Hospital, Sector 32, Chandigarh after receiving report of Chemical Examiner, the cause of death was cerebral damage consequent upon blunt trauma/surface impact over the head which could have been caused by injuries No.4 and 5. It is submitted that infact the victim was suffering from liver cirrhosis as revealed from the Chemical Examination Report and his liver was scarred and permanently damaged due to which the lungs of the deceased were found to having Pulmonary Edema. It is argued that the injuries sustained by the victim could not be stated to be the cause of his death. No such injury was found on his person which could have been stated to be given with an intention and knowledge to cause his death. The trial is likely to take time. His further detention would not serve any useful purpose. He has a permanent abode. There are no chances of his absconding. He would not intimidate the witnesses. As such, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel that there are serious and specific allegations against the petitioner. The registration

2024:PHHC:108576



number of the vehicle which was used by the petitioner and the co-accused at the time of occurrence, has been disclosed in the FIR itself. The petitioner has suffered disclosure statement admitting his involvement in causing injuries to the victim which led to his death. The fact that the victim as suffering from liver cirrhosis did not prove that he had died due to that reason. Injuries were found on his person which as per the medical opinion were apparent cause of his death. The trial may be expedited. There are chances of petitioner's absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have caught hold of the victim on the fateful night and caused injuries to him while having an altercation with him. As per the opinion given by the Medical Officers which are based on the Chemical Examiner Report and Histopathology Examination Report, the cause of death was due to cerebral damage consequent upon blunt trauma/surface impact over the head which were admittedly received by the victim at the time of occurrence. The allegations against the petitioner are grave in nature. Keeping in view the severity of these allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion

2024:PHHC:108576



that the petition does not deserve to be allowed. Hence, the same is dismissed.

22.08.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No