



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

**109+224**

**CRM-M-41729-2024 (O&M)  
Date of Decision: 18.11.2024**

**JAI SHREE**

...Petitioner

Vs.

**STATE OF HARYANA**

...Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present: Mr. Lohit Bimal, Advocate,  
Mr. Raghav Bimal, Advocate and  
Mr. Suhit Jain, Advocate  
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the second petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No. 313 dated 07.10.2022 (Annexure P-1) initially registered under Section 302 IPC and later on added Sections 201, 323, 506 and 34 IPC (Section 120-B IPC has been deleted) at Police Station HSIID Barhi, District Sonapat.

2. Learned counsel for the petitioner contends that the earlier bail petition was withdrawn on 15.11.2023 and thereafter, no witness has been examined so far. Consequently, by filing the instant petition, petitioner has renewed his prayer for grant of bail.



3. The FIR in the present case was initially registered on 07.10.2022 on the basis of the complaint moved by Rajesh, husband of Geeta (since deceased) and the same has been reproduced below:-

*“Date 06/10/2022 GD REQUEST NO. (Diary Request No.) 20 PS (Police Station) HSIIDC BARHI GD TIME DATE (Diary time and date 06/10/2022 14.29 HRS GD ENTRY TYPE (Subject): Arrival and departure recorded statement GD BRIEF (The diary brief time is recorded at 11.30 AM that at this time I, HC Rajesh 808, have come to the police station from Saxena Hospital on the basis of hawala report and I have brought a statement whose compulsion is jail To Mr. SHO Sahib, Police Station Badi Sonipat Subject- To get the post-mortem done by the board, Sir; the request is that I am Rajesh son of Shri Bhim Singh R/O Laledi Khurd, resident of District Sonipat. I do farming and my wife Geeta, who is about 40 years old, works as an Asha worker in the village. Yesterday, on 05.10.2022, she fainted during an altercation with our neighbors. I admitted her to Saxena Hospital yesterday at 5.10.22. She died during treatment. We request you to get my wife Geeta's postmortem done by the board and appropriate action should be taken. Yesterday on 5.10.22, information was received at the police station through dial 112 that the neighbours were quarrelling with Geeta W/O Rajesh resident of Laledi, when SI and his fellow officers reached the spot, no one was found there, it was found that the relatives had taken Geeta to the hospital, yesterday evening information was received at the police station that Geeta died during treatment at Saxena hospital, who reached Saxena*



*hospital with SHO sahab, Police Intormation MLR of victim Geeta and received the treatment summary. The body was sent to DEAD HOUSE GH/SONIPAT as per rules, no witness was found present at the spot, after which SI along with HC Rajesh 808 reached GH/SPT for proceedings, there resident Rajesh met ASI and submitted the above application, in which statement nn cognizable offence was found to have been committed, the case was found to be of death during treatment due to falling unconscious during a quarrel. Statement of pain, diary HC Rajesh 808's hospital is Arsal police station, should be informed through copy report, situation should be informed to SHO. FSL TEAM should also be sent to the spot, after that ASI action is taken under 174 CrPC, after getting the statement recorded, diary copy report taken by personal IO ASI Anil 1312. SD HC SATISH NO1220/SPT TRUE COPY HC SATISH MHC PS HSIDC BARHI SPT DT.07-10-2022.”*

4. Learned counsel for the petitioner contends that the occurrence in the present case had taken place on 05.10.2022 and after the occurrence Rajesh, complainant had moved a complaint to the police that his wife Geeta has suffered injuries during an altercation with neighbors and due to this, she had fallen unconscious and she had died during the treatment. He further contends that the petitioner was neither named in the FIR nor there was any averment made in the FIR, which even remotely connected her with the commission of crime. However, later on, on 07.10.2022, Krishan, brother-in-law of Geeta (since deceased) had moved another



complaint to the police and assigned false roles to the entire family of the petitioner. He further referred to the complaint (Annexure P-6) to contend that apparently there was a dispute regarding the plot between the parties and due to such enmity, the petitioner and other family members have been involved by the complainant. Learned counsel further contends as per the said complaint, the petitioner has not been assigned any specific role. The petitioner was arrested in the present case on 03.11.2022 and is in custody for the last about more than two years. He further contends that till date, the prosecution has not been able to examine even a single witness and the conclusion of the trial may take quite a long time.

5. On the other hand, Learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that the petitioner had also assaulted Geeta (since deceased) and she does not deserve the concession of regular bail by this Court.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, the petitioner was initially named by the complainant and the allegations have been leveled by the complainant against unknown neighbors. However, during the course of investigation, Krishan (brother-in-law) of the deceased had moved a complaint and stated that the petitioner had also actively participated in the commission of crime. Whether the petitioner had actually participated in the occurrence or not is a subject matter of



adjudication before the trial Court and parties are yet to lead their respective evidence in this regard. Moreover, the petitioner is in custody for the more than two years and no witness has been examined so far. Thus, the trial may take quite a long time to conclude and further custody of the petitioner will not serve any meaningful purpose.

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

18.11.2024

( N.S.SHEKHAWAT)

M.Sikka

JUDGE

Whether reasoned/speaking : Yes/No  
Whether reportable : Yes/No