



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-47083-2024
Date of decision: September 26th, 2024

Yudhvir Singh @ Yudhveer Singh @ Yudhu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

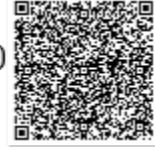
Present: Mr. Shailender Singh and Ms. Priya Bhati, Advocates
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

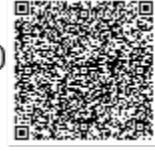
Petitioner is seeking the concession of bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.194 dated 30.07.2022 under Sections 302, 34, 201 of the IPC registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that on the face of it, a false and fabricated case has been planted upon the petitioner. The deceased was found lying unconscious by the roadside on 28.01.2019 and thereafter, admitted to Government Hospital, Sector 32, Chandigarh, for treatment as a case of motor-vehicular accident. Learned counsel submits that when the deceased was admitted to the hospital, no suspicion much less by way of a whisper was levelled by the father of the deceased qua any foul play or even the involvement of the petitioner in the death of his son. Learned counsel submits that

***CRM-M-47083-2024******-2-***

strangely after 3½ years of the alleged occurrence, the FIR in question was registered by the father of the deceased, wherein for the first time, he raised suspicion qua the involvement of the petitioner in the death of his deceased son; the complainant claimed that he had made enquiries at his personal level and learnt that his son had been killed by the petitioner and his friend Bunty, after being assaulted with sticks. Learned counsel submits that neither was any post-mortem conducted on the dead body nor was there any witness to the alleged occurrence from which any inference could be drawn with respect to the deceased having been assaulted with sticks. Rather as per the Medico Legal Report of the deceased, which is the only medical evidence collected by the investigating agency, the cause of death of the deceased was opined to be cardiac arrest. Learned counsel has still further contended that since it is a case resting on circumstantial evidence, the motive to commit the crime in question has also not been spelt out by the complainant. It has been further argued by the learned counsel that the petitioner has now been in custody since 30.07.2022 and after the charges were framed, only three witnesses out of the 20 cited by the prosecution have been examined. Hence, his further incarceration would serve no useful purpose more so when the complainant has been repeatedly absenting himself for the last 14 months before the trial Court to get his evidence recorded.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner as well as the stage of trial. It has also

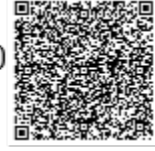
**CRM-M-47083-2024****-3-**

not been disputed by the learned State counsel that the FIR in question was registered 3½ years after the alleged death of the deceased and it is only for the first time, while registering the FIR in question that the complainant named the petitioner and co-accused Bunty being the alleged killers of his son.

4. On a pointed query put to the learned State counsel as to whether any post-mortem had been conducted on the deceased or whether any medical evidence had been collected to support the allegations of the deceased having been assaulted to death with sticks, he, on instructions from ASI Kuldeep, has replied in the negative. Learned State counsel has also not disputed the submissions made by the counsel opposite qua there being no clear-cut motive spelt out by the complainant against the petitioner for committing the murder in question. Learned State counsel, on instructions, has further submitted that the petitioner was involved in one case i.e. FIR No.151 dated 20.06.2022 registered under Sections 302/34 of the IPC, wherein he made a confession to the police that he had committed the murder of deceased-Sumit.

5. I have heard learned counsel for the parties and perused the material placed on record including the FIR, which stands reproduced hereunder:-

"Copy of complaint. To SHO, P.S. Chhachhrauli Distt. Yamuna Nagar. Sub: Complaint against Yudhviri and his friend Bunty, R/o vill. Nahar Taharpur, tehsil Chhachhrauli Distt. Yamuna Nagar. Sir, it is requested that I Jai Parkash s/o Sh. Kabaj Singh, caste Hindu Gujar, R/o vill. Ranipur Kalan, P.S. Bilaspur Distt.

**CRM-M-47083-2024****-4-**

Yamuna Nagar and doing the work of agriculture. I am married at village Yakubpur. My son Sumit Kumar died on 31.01.2019 during treatment at Govt. Hospital, Sector-32, Chandigarh, my son Sumit Kumar, aged 24 years used to reside with his maternal uncle Parmod Kumar s/o Elam Singh, caste Gujjar, R/o Vill. Yakubpur and learning the work of denting/painting at Yamuna Nagar at also residing with his maternal uncle Vill. Yakubpur. On dated 30.01.2019, I came to know that my son Sumit Kumar met with an accident he has been got admitted at Govt. Hospital, Sector-32, Chandigarh for treatment. I went to Govt. Hospital, Sector-32, Chandigarh after having information. That I came to know that my son Sumit Kumar on 28.01.2019 was going to his village Ranipur from village Yakubpur, after borrowing motorcycle M/C Hero Honda Splendor no.HR71-F6620 of Rohit s/o Rajpal Kashyap, R/o Yakubpur. He was going on the way leading to Chhachhrauli from Naharpur and on that way, my son Sumit Kumar found lying unconscious. There were on his mouth and head. My son Sumit Kumar died on 31.01.2019 during treatment at Govt. Hospital, Sector- 32, Chandigarh. That my son used to keep wallet of black colour, ITI identity card, Bus Pass and other important documents in his pocket. That at that time, I was told that my son died due to slipping the motorcycle) That I did not believe on this and since that day, I was enquiring the reason for the death of my son on my personal level. Now, I came to know that my son was killed by Yudhvir and his friend Bunty, R/o Vill. Nahar Taharpur by beating with dandas (sticks). That legal action be taken against these persons and justice be provided to me.”

6. The petitioner has been in custody since 26.08.2022 in a case resting on circumstantial evidence. The motive to commit the



CRM-M-47083-2024

-5-

crime is also not clearly forthcoming. The trial is unlikely to conclude in the near future as only three prosecution witnesses stand examined; the complainant for reasons best known, has been continuously absenting himself before the trial Court for the past 14 months.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

September 26th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No