



CRM-M-54031-2024

**241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-54031-2024
Decided on : 06.11.2024

Bablu Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. P.K.Ganga, Advocate
for the petitioner.

Mr. Praveen Bhandu, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner under Section 483 of BNSS, 2023 seeking concession of regular bail in case FIR No.405 dated 18.06.2024 under Sections 302, 201 and 34 IPC registered at Police Station Rania District Sirsa.

2. Learned counsel for the petitioner submits that even as per the case of the prosecution, it was co-accused Vishnu Ram (husband of the deceased), who allegedly inflicted single brick blow on the head of the deceased, which proved to be fatal to her. In support, learned counsel has drawn the attention of this Court to the FIR, which is annexed as Annexure P-1. Learned counsel has further argued that even though the occurrence in question took place on 29.03.2024, however, till the death of the deceased on



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18.06.2024, no complaint was made against any person much less against the petitioner with respect to the alleged murder of Luxmi Devi (mother of the petitioner). It has also been argued that even though a false and fabricated version has been brought forth against the petitioner, however, even assuming for the sake of arguments though not conceded, that if there is any grain of truth in the allegations levelled in the FIR, the only offence, if any, which would be made out against the petitioner, would be under Section 201 IPC. A prayer, therefore, has been made to extend the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that only a single injury was inflicted with a brick bat on the head of the deceased and the same has been attributed to co-accused Vishnu Ram. Learned State counsel has, however, reiterated the allegations levelled in the FIR, which is reproduced hereinunder:

“As per the brief facts of the case, on dated 02.04.2024, a call was received on SHO's Rania official number from SHO Rawatsar, Distrcit Hanumangarh (Rajasthan) to the effect that some persons of village Dasuwali, falling under his jurisdiction, had brought dead body of one Luxmi Devi, from Sirsa Hospital and deceased's brother Bhagirath told that Luxmi Devi had been murdered but her postmortem was not being conducted. That postmortem was very necessary to find out the



reasons of murder. Therefore, he was sending all those persons along with dead body to P.S.Rania. After some time, the relatives of said Luxmi Devi brought her dead body in General Hospital, Sirsa. Bhagirath Verma s/o Chiranji Lal Verma r/o Ward No.22 Pili Banga, District Hanumangarh, presented an application alleging that marriage of her sister Luxmi Devi had been solemnized with Vishnu Ram s/o Kamlu Ram r/o ward no.9 Lakhuwali Head Rawasar presently living in Manav Seva Orphanage and Old Age home Ward No.14 Rania and a daughter Mona married to Krishan Lal r/o Dasuwala Chaia, had been born. Vishnu Ram had adopted a son namely Bablu Parjapat alias Khushi Ram, now aged about 27 years. Said Vishnu Ram was a drunkard and a quarrelsome person. Many cases of drug smuggling have been registered against his said adopted son Bablu in various police stations of Rajasthan. Said Bablu had opened a Manav Seva Orphanage and Old Age home in Ward No.14, Rania and was looking after the same. That Luxmi Devi and Vishnu Ram had been residing with Bablu in the said Ashram. On 29.03.2024 at about 11-30 P.M. Bablu Parjapati, his wife and Vishnu Ram had a domestic quarrel over a utensil called dolu. At that time, Vishnu Ram was drunk. The quarrel escalated and during that time Vishnu's daughter Mona made a telephone call to Bablu Parjapat. She heard the fight going on over the phone and asked him to calm down but Vishnu Ram did not calm down. He started abusing Bablu Parjapat's wife. Luxmi Devi tried to intervene and help Bablu's wife, but Vishnu could not tolerate this. He



pretended to calm down and went and sat on the cot. Meanwhile Luxmi Devi also went and slept on the cot. After she fell asleep, Vishnu Ram picked up a brick and hit his wife Luxmi Devi on the head, due to which she started bleeding. Thereafter, Bablu called Mona and told her that Vishnu Ram had hit her mother Luxmi Devi on the head with a brick, what should he do. On that, Mona and her husband asked Bablu to bring Luxmi Devi to the hospital. He (complainant) received a message from some other person that his sister had fallen from cot and had received minor injury on her head. The complainant called Mona wife of Krishan Lal, who narrated the entire episode to him and recording of the same was saved in his phone. On 30.03.2024 at about 4-5 A.M., in order to avoid legal proceedings, Luxmi Devi was admitted in Hope Neuro Care Hospital, instead of Govt. Hospital. Surgery was performed on her. At that time, she went in coma and the Doctor informed that they had delayed in bringing the patient. On 02.04.2024, his sister was declared 'dead' in the morning. Bablu Parjapat and the Doctor, in collusion with each other, did not inform Rania Police Station about the incident. He (complainant) was also not informed about the incident by Bablu. He received the message of death of Luxmi Devi from some other persons. Bablu Parjapat, Mona, Krishna Lal, Pola Ram were trying to cremate her as soon as possible. Mona, daughter of Luxmi Devi, despite knowing about the incident, did not register a case in the police station Rania. The complainant prayed for taking legal action against said Vishnu Ram, for causing murder of Luxmi Devi



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and also against Bablu, Parjapat and his wife, for hiding the matter and distorting it.”

4. I have heard learned counsel for the parties and perused the material placed on record.
5. The petitioner has been in custody since 19.06.2024; no injury much less fatal, has been attributed to him in the occurrence in question. The investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are yet to be framed.
6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. 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.

06.11.2024
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(MANJARI NEHRU KAUL)
JUDGE

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