

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 214

Criminal Miscellaneous No.M-774 of 2025**Date of Decision: October 27, 2025**Harsh Soni

..... PETITIONER(S)

*VERSUS*State of Punjab

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE SUBHAS MEHLA****PRESENT:** - Mr. R.K. Bajaj, Advocate, for the petitioner.Mr. Subhash Godara, Additional Advocate General,
Punjab.**SUBHAS MEHLA, J**

By way of the present petition, the petitioner is seeking regular bail in case FIR No.189 dated 10.07.2024, under Sections, 109, 61(2), 238 of Bharatiya Nyaya Sanhita, 2023 (Section 103 of BNS added later on), registered at Police Station, Phillaur, Jalandhar (Rural).

2. Learned counsel for the petitioner contended that allegations levelled in the Fir against the petitioner are false and frivolous. FIR has been lodged after a delay of more than five days by the complainant with an ulterior motive to extract money from the petitioner. The incident in question is an accident not murder. Petitioner was merely a pillion rider and had no control over the motorcycle which was being driven by the deceased himself and could not have caused the accident and inflict injuries upon the deceased.

3. Learned State counsel, appearing on advance notice, has opposed the prayer made in the petition by submitting that material witness before whom the petitioner confessed his guilt i.e. made an extra judicial confession is yet to be examined and the case is fixed in the first week of



December for prosecution evidence. If the petitioner is released on bail, he will certainly tamper with the evidence. He further contended that petitioner is having criminal antecedents as he is having criminal background and is involved in three other cases.

4. Heard.

5. The FIR has been lodged on the basis of statement of complainant-Som Lal, to the effect that his son Jaismin had come from abroad. On 04.07.2024, complainant's son left for Ludhiana but did not return. On 05.07.2024, complainant was telephonically informed by one Deepak regarding accident of Jaismin near village Nagar. He came to know that petitioner and his mother Monika Devi had got him admitted in Shri Ram Hospital, Jalandhar. Complainant alleged that there was no clue of accident at the spot, rather petitioner and his mother had given injuries to Jaismin with intention to kill him. On 10.07.2024, Jaismin succumbed to injuries, and FIR was registered same day.

6. From the reply filed on behalf of the State, it transpires that Jaismin had received four injuries in total. As per the chemical report, the cause of death was opined as, "*due to head injury which lead to intracerebral haemorrhage and multiple facial bone fractures which further lead to shock, which is sufficient to cause death and is antemortem in nature*". Further, during investigation, petitioner made an extra judicial confession that he along with Jaismin was going towards Apra where a tractor came in front of their motorcycle, being driven by Jaismin. Since the motorcycle was at high speed, it hit a tree and they fell down. The petitioner, who was highly intoxicated, became furious and started giving fist blows on the head, nose and face of

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Jaismin. He also stated that he had inflicted a brick blow upon Jaismin, as a result of which, he suffered an injury on his skull and died. The petitioner was arrested on 14.07.2024. Challan *qua* the petitioner was presented on 17.12.2024 and charges were framed on 27.02.2025. Now the case is fixed for prosecution evidence. There are total 25 witnesses and no witness has been examined so far.

7. Since, no PW has been examined so far, at this stage, it can be safely held that in case the petitioner is released, possibility cannot be ruled out that he will tamper with the evidence or influence the witnesses. Thus, keeping in view the severity of the offences, and the fact that case is based on circumstantial evidence, this Court does not find any merit in the petition and the same is accordingly dismissed.

(SUBHAS MEHLA)
JUDGE

October 27, 2025

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Whether Speaking/ Reasoned:Yes/ NoWhether Reportable:Yes/ No