



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

205

CRM-M-3841-2023 (O&M)

Date of decision: 12.03.2025

Mahesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana assisted by
SI Dharambir Singh.

Mr. Charanjit Singh Bakhshi, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.206 dated 17.06.2020 under Sections 120-B, 302, 323, 506 of the IPC (Section 34 of the IPC and Section 25 of the Arms Act, 1959 added lateron) registered at Police Station Adarsh Nagar, Ballabgarh, Faridkot.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 18.07.2020, yet the trial has not concluded. It is contended that no injury has been attributed to the petitioner on the person of the deceased. The only allegation against him is that he instigated his son, Piyush, the prime accused, to inflict knife blows on the deceased, which ultimately led to his demise.



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Learned counsel argues that, given the limited role ascribed to the petitioner, he is entitled to the concession of bail.

3. It is further submitted that even the alleged act of instigation lacks corroborative evidence. On the contrary, the evidence on record, including CCTV footage of the hospital where the alleged occurrence took place, indicates that while the petitioner was present at the hospital where the incident was present, he was seen remonstrating with his son, Piyush. The learned Trial Court also observed this aspect while dismissing an application filed by the prosecution under 319 of the Cr.P.C. to summon co-accused Deepak.

4. Per contra, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the council opposite by drawing the attention of this Court to the contents of the FIR which stand reproduced hereinunder:-

“To the S.H.O. Police Station Adarsh Nagar Ballabgarh. Sir, It is requested that I Puran Mal S/o Sh. Jamna Sahai R/o Flat No. 403, Sai Kripa Dhan Society Sector 02 Ballabgarh. My brother Umashankar who was retired Professor from Government of Haryana, was living in same society in Flat No. 203 and was the President of the Society, residents/members of same society Mahesh, Deepak, Manish Saxena, Prem Kumar, Chirag upon whom transactions of the society was pending, Umashankar being the President of the society was asking them to settle the accounts and due to this grudge earlier also above named persons had an altercation with my brother Uma Shankar, that a case has already been registered through the Society against Prem Kumar and others, that on dated 16.06.2020 at around 8.00 hrs in the night above named persons had assaulted my brother Umashankar and nephew Naresh S/o Umashankar. Me, Satender, Pawan, Umashankar and accompanied by Naresh went to Aggarsen Police Post Ballabgarh for getting initiation of legal proceedings. Where the Police sent Umashankar to



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Government Hospital Ballabgarh for medical examination. When we reached at Government Hospital at around 10/10.30 hrs at Government Hospital Ballabgarh then in the Hospital Deepak, Mahesh, Manish Saxena and Prem Kumar were already sitting there. The Doctor said to come inside for Medial turn by turn, rest of the persons to sit outside whereby Satender, Pawan, Naresh stood outside the gate of Emergency Hall. I remained present with my brother Umashankar, during that time son of Mahesh namely Piyush alias Pasu along with him Chirag came inside and Mahesh said that teach Presidentship of the Society to Umashankar whereby Deepak caught hold right hand of my brother, Mahesh caught hold left hand Manish and Piyush alias Pasu took out knife gave indiscriminate blows upon my brother Umashankar and Chirag said that Piyush finish him today, that my brother due to stabbing got ensanguined and fell down on the floor. I called Satender, Pawan and Naresh till then these persons while giving threat me also to kill fled from the spot. We picked up our brother Umashankar reached Sarvodya Hospital for treatment where the Doctor declared Umashankar as dead. During the altercation taken place in the Society Mahesh and Deepak had given baton blows to my nephew, his medical may also be get conducted and legal action may be initiated.”

5. Learned State counsel has argued that the case is based on an eyewitness account and that the petitioner, along with the other accused, played an active role in the commission of the offence. It is submitted that the deceased was subjected to multiple knife blows. Furthermore, the petitioner was initially granted bail on 17.11.2020, but Hon'ble the Supreme Court later cancelled the same on 10.03.2022 keeping in view the gravity of the allegations levelled in the FIR. It is contented that the petitioner thereafter surrendered only on 29.03.2022.

6. Learned State counsel has, on instructions, further submitted that the trial is at an advanced stage, with only three prosecution witnesses remaining, who are formal in nature. All material



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witnesses, including the complainant, have already been examined and have fully supported the case of the prosecution. In view of these circumstances, it is urged that the submissions made by the learned counsel for the petitioner of false implication is unfounded.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. Undoubtedly, the petitioner has been in custody since 29.03.2022, following the cancellation of his bail by the Supreme Court. However, as per information provided by the learned State counsel, the trial is nearing completion, with only three formal witnesses left to be examined. All material witnesses have been examined.

9. Given the stage of the trial and the nature of the allegations attributed to the petitioner, this Court does not find any ground to grant the concession of bail to the petitioner at this stage. Accordingly, the instant petition is hereby dismissed.

10. 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.

11. Pending/incomplete applications, if any, stand disposed of.

12.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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