



CRM-M-4246-2025 & connected cases 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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1. CRM-M-4246-2025

Surender @ Bihari

.....Petitioner

Versus

State of Haryana

.....Respondent

2. CRM-M-6846-2025

Sushil @ Gujjar

Versus

State of Haryana

.....Respondent

3. CRM-M-16901-2025

Vikas @ Nikka

.....Petitioner

Versus

State of Haryana

.....Respondent

4. CRM-M-45820-2024 (O&M)

Surender

.....Petitioner

Versus

State of Haryana

.....Respondent

Date of decision: 28.10.2025

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Joban, Advocate for the petitioner(s) in CRM-M-4246-2025 &
CRM-M-45820-2024.

Mr. Jainainder Saini, Advocate and
Ms. Shilpa Saini, Advocate for the petitioner(s)
in CRM-M-6846-2025.

Mr. Tanvir S Grewal, Advocate for the petitioner
in CRM-M-16901-2025.

Ms. Malvika Singh, DAG, Haryana.

Mr. Amit Choudhary, Advocate for the complainant.

VINOD S. BHARDWAJ, J (ORAL)

This order shall dispose of aforesaid four petitions filed by similarly
placed three accused who had joined together and committed the murder of one

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2. Prayer in the petitions filed under Section 483 of BNSS is for grant of regular bail in case FIR No.151 dated 28.04.2024 under Sections 120-B,147,148,149,323,341,506 IPC registered at P.S Agroha, District Hisar, however, report under Section 173 Cr.P.C has been filed on 18.07.2024 under Sections 147,148,149,302,307,323,325,341,411,506,120-B IPC.

3. As per allegations in the FIR registered on the statement of Rahul son of Dilbagh, on 27.04.2024, the complainant along with his other family members including Chand Ram (since deceased) was returning home on a motorcycle from the fields. Chand Ram (since deceased) was driving the Motorcycle. When they reached near Agroha Dham, Sunil Tara son of Om Parkash, who was a pillion rider on a motorcycle, told them that a lesson would be taught. Surender @ Bihari (petitioner in CRM-M-4246-2025 and CRM-M-45820-2024), Sushil @ Gujjar (petitioner in CRM-M-6846-2025), Sandeep Deepi, Jatin Tabla, Sunny Daaku and Vikas Nikka (petitioner in CRM-M-16901-2025) waylaid them. Surender @ Bihari threw a bottle towards the motorcycle whereas Deepi hit an iron rod on the head of Chand Ram. As a result of the attack, the complainant party fell off the motorcycle. Thereafter, all the accused, including Sushil Gujjar, gave injuries with the lathis and iron rod on the victims. Chand Ram eventually succumbed to the injuries and died.

4. Learned counsel appearing on behalf of the petitioners contends that petitioner Surender @ Bihari is suffering from HIV AIDS and that as per allegations, the only specific injury attributed to him is of causing an iron rod blow injury to witness Rahul. Said injury is found to be blunt and simple in nature. They further submit that no specific injury is attributed to petitioner-Vikas @ Nikka and Sushil @ Gujjar. He further submits that the complainant Rahul eventually passed away on 26.11.2024 under natural circumstances. They submit

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prosecution and has turned hostile. He submits that out of a total 37 prosecution witnesses relied upon by the prosecution, only two have been examined. After examination of these two witnesses, an application has been moved for amendment of the charge and for addition of Section 3 of the SC/ST (Prevention of Atrocities) Act. Hence, the trial is still at initial stage and that the petitioners have suffered an actual custody of approximately one year and five months. They contend that the petitioner Surender @ Bihari has no other criminal antecedents and his medical condition would not justify further custodial detention. He further contends that the head injury, attributed to Deepi, eventually became the cause of death of Chand Ram and that death was not as a result of cumulative impact of all the injuries.

5. It is submitted that so far as accused Vikas @ Nikka is concerned, recovery of motorcycle and iron pipe has been effected from the said accused and he is also stated to be involved in two other cases viz FIR No.94 of 2018 registered under Sections 379-B,506,34 IPC at P.S Agroha wherein he has been acquitted vide judgment dated 09.10.2019. It is submitted that in FIR No.143 of 2018 lodged under Sections 324,326,506,147,148,115 IPC at P.S Agroha, he has been convicted vide judgment dated 31.10.2023.

6. They submit that in so far as accused Sushil @ Gujjar is concerned, he too was nominated in two FIRs, including the one registered under Sections 323,324, 341,506 IPC and the other FIR was registered under the provisions of NDPS Act wherein recovery of 4.9 grams of heroin was effected from the petitioner.

7. Controverting, learned counsel appearing on behalf of the State, assisted by learned counsel for the complainant, contend that the injured Rahul had suffered as many as two injuries i.e Lacerated wound over size 7x2 cm and

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another one 6x2 cm present over left and over mid of occipital region and Reddish abrasion over size 6x 4 cm present over right knee area.

8. Eye witness Naresh had suffered as many as four injuries and deceased Chand Ram had sustained nine injuries. The injuries cumulatively show that a well orchestrated attack was planned and executed by the assailants. He further contends that the total number and nature of injuries alongwith a total number of persons, who suffered the injuries, clearly shows that the petitioners had been in a well hatched conspiracy and with a common intention, they formed an unlawful assembly to cause injuries to the deceased and other persons.

9. Learned counsel for the complainant further contends that even though PW2 Naresh is stated to have turned hostile but the circumstances in which he has not supported the case of prosecution are borne out from the cross examination wherein he has acknowledged that he had been threatened by the accused persons and that certain injuries had been inflicted upon him. (Learned counsel for the petitioner, however, contends that said injuries are stated to have been caused by relative of other accused persons and not the petitioners herein).

10. Learned counsel for the complainant further contends that in case the petitioners are granted the concession of regular bail, they are likely to threaten the other witnesses from making depositions as they had worked in unison and on being released on bail, there is every apprehension of threats being extended to other witnesses. Thus it is prayed that the present petitions be dismissed.

11. I have heard learned counsel appearing on behalf of the respective parties and perused the paper book with their able assistance.

12. On being confronted with the fact that the petitioner Vikas @ Nikka is a habitual offender, regularly involved in heinous offences as is evident from the fact that he was earlier involved in an offence under Section 379-B IPC registered

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registered under Section 307 IPC wherein he was convicted on 31.10.2023. The same was followed by his involvement in the instant case for offence under Section 302 IPC. Learned counsel for the petitioner does not press the instant petition qua petitioner Vikas @ Nikka.

13. Accordingly, petition qua petitioner Vikas @ Nikka is disposed of as not pressed.

Petitioner Surender is attributed a simple injury to Rahul. No specific injury has, however, been indicated. He is not attributed any injury to Chand Ram and the same is attributed to Deepi. Besides, he is already suffering from an incurable disease. He is not involved in any other criminal case.

14. Two petitions viz CRM-M-4246-2025 and CRM-M-45820-2024 have been filed by accused Surender @ Bihari, one of which is filed for grant of interim bail on medical condition as said accused has been diagnosed with HIV AIDS and the other for regular bail. The petitioner Sushil @ Gujjar has not been attributed any specific injury and that the earlier offences registered against him were of minor scuffle pertaining to Sections 323,324,325 IPC. It is also noticed that PW2 Naresh has specifically deposed in his testimony that the petitioners Surender @ Bihari and Sushil @ Gujjar were not the persons who had given any injuries either to the deceased Chandram; PW Naresh or to Rahul and that the threat, if any, had been extended by the other accused; there is no other eye witness to the incident. Chand Ram and Rahul died without deposing about involvement of the petitioners Surender and Sushil in causing injuries. I find that identity of the accused is suspect as per the deposition. The only surviving eye witness to the incident, Naresh has not supported the presence of the petitioners at the spot, hence the issue as regards presence and their involvement is required to be established during the course of trial.

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15. Taking into consideration the medical condition of petitioner Surender @ Bihari and also that the injury attributed to him to the complainant Rahul is simple coupled with the fact that he is suffering from HIV AIDS and also that there was no specific injury caused by Sushil @ Gujjar and their presence at the spot is disputed by eye witness along with the period of their custody and stage of the trial, I deem it appropriate to allow the petition and grant the concession of regular bail to the petitioners Surender @ Bihari and Sushil @ Gujjar.

16. Resultantly, petition(s) CRM-M-6846-2025 and CRM-M-4246-2025 are allowed. Both the petitioners i.e Surender @ Bihari and Sushil @ Gujjar are ordered to be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

17. Petition bearing CRM-M-16901-2025 filed by petitioner Vikas @ Nikka is disposed of as not pressed, at this stage while petition bearing CRM-M-45820-2024 filed by Surender @ Bihari for seeking interim bail on medical ground is disposed of as having been rendered infructuous.

18. It is made clear that the petitioner(s) shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

19. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

20. All the pending misc application(s), if any, shall stand disposed of.

October 28, 2025
manoj

(VINOD S BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No