



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-7056-2025
Decided on : 22.04.2025

Suresh @ Bittu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Sharma, Advocate
for the petitioner(s).

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. After hearing counsel for the parties, on 11.02.2025, following order was passed by this Court:-

“1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner – Suresh @ Bittu, who has been booked for having committed the offence punishable under Sections 103(1), 3(5), 61 of BNS, 2023 (deleted later on), Sections 105, 3(5) of BNS, 223 (added later on), in FIR No.277, dated 22.08.2024, registered at Police Station Kunjpura, District Karnal.

2. By referring to the postmortem report, counsel for the petitioner argues that there is no major injury noticed by the Doctor on the person of the deceased, rather, he was brought dead in the hospital. He also refers to the medical opinion dated (Annexure P-3), wherein, the Doctor gave an opinion that the cause of death in this case is “acute Myo cardial Interaction as a result of severe complicated Athero Sclerosis.”

Thus, argues that as per the opinion of the Doctor, alleged offence u/s 302 of IPC, seems to be concocted version only. Even, if it is assumed that some injuries are noticed, same are not enough to say that such an injury may cause death to anyone.

3. Learned State counsel seeks a short accommodation to file status report in the matter.

4. Adjourned to 17.03.2025.”

2. Today, counsel for the petitioner, by referring to para No.7 of the status report dated 15.03.2025, filed by the State in the registry, submits that as of now, petitioner cannot be stated to be an accused for committing offence u/s



103(1) of BNS, 2023, because, as per latest investigation conducted by the police, the alleged offences u/s 103(1), 61(2) of BNS, 2023, have been deleted and Section 105 of BNS, 2023, has been added i.e. culpable homicide not amounting to murder.

Counsel further submits that the involvement of the petitioner in the death of the deceased 'Krishan', is highly questionable, thus, prays for grant of concession of regular bail to the petitioner.

3. On the other hand, learned State counsel submits that though the Investigating Agency has filed challan u/s 105 of BNS, 2023, but at the time of framing of charges, trial Court has charged him u/s 103(1) of BNS, 2023. Therefore, petitioner is facing the charges for causing the murder of deceased 'Krishan'.

4. I have considered the plea addressed by both the sides and gone through the status report, more specific paragraph No.7 of the status report, which is reproduced here-under:-

"7- That on 22/10/2024, several persons from both the side had appeared by IO/ Ins. Mahabir as well as before the then Dy. Superintendent of Police Indri District Karnal and from the verification of the investigation and enquiry from the persons it was ascertained that there was no previous dispute or abusing between the accused or deceased Krishan or his family earlier. Rather Ramesh who is brother of the petitioner, after getting permission from Balkar Singh who has taken this land on lease, has affixed the wire of electricity on Kotha of electricity. Anku S/o Ran Singh became angry at once on seeing this wire and called the deceased Krishan and Vikas at the spot. On immediate reaching at the spot, deceased Krishan and Vikas in aggressive manner started abusing to the co-accused Rattan Singh and by taking the advantage of their gathering they tried to manhandle with co-accused Rattan Singh. In self-defence, co-accused Rattan Singh taken a pipe of the mesons working



there and round it over his body for safety which struck on head of deceased Krishan. After that the deceased Krishan keep himself at a distance and abused aggressively. On seeing the molding side of pipe, which hit on head of deceased Krishan, does not show of any fast hitting sufficient to cause death. The petitioner and co-accused Rattan Singh have not been found inflicting injuries to the deceased Krishan in their any previous enmity while the deceased Krishan was found in aggressive for raising the quarrel on being called by his cousin. Without any intention of causing injury to the deceased Krishan in the quarrel, death was found to be occurred due to the injury to the head or possibly because of a sudden illness in the body of the deceased Krishan. At the time of quarrel with the co-accused Krishan, the petitioner was found in catching the deceased from back side with the intention to intervene the matter. Therefore, offence u/s 103(1), 61(2) of BNS was not found to be made out. So the Sections 103(1), 61(2) of BNS were deleted and Section 105 of BNS was added in the case on 22/10/2024.”

5. Besides, Court has also noticed the medical opinion, which is there available on record. Petitioner is inside jail since 25.10.2024 and the process for recording of evidence is yet to start, as statement of none of the witnesses has been recorded.

Therefore, in the totality of circumstances, I deem it appropriate to entertain the petitioner's plea for regular bail, as further custody of the petitioner, is not of any use for the prosecution.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or



indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 22, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No