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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-7668-2025 (O&M)

Date of decision: 17.02.2025

Dheeraj**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Saurav Gumbal, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner seeking regular bail in case bearing FIR No. 521 dated 13.11.2023, registered under Sections 186, 332, 353, 304 and 34 of IPC at Police Station Parao Ambala Cantt. District Ambala. The first petition, bearing number **CRM-M-28743-2024**, was dismissed by this Court, vide order dated 22.08.2024.

2. For the sake of coherence and convenience, the facts as noticed while deciding the first petition are reproduced below:

“The relevant facts in brief are that on 13.11.2023, on receipt of an information regarding death of one Rajbir Singh having taken place during the course of treatment in General Hospital, Sector-32, Chandigarh wherein he was admitted on account of injuries sustained by him in some altercation, having taken place at Ambala Cantt, a police party reached at the hospital and recorded the statement of the complainant Amit son of the victim Rajbir Singh to the effect that the victim was employed as a driver in Haryana

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Roadways and was posted at Ambala Depot. He was performing duty of preparing entry fee receipts of buses coming from other states at Bus Stand Ambala Cantt. On the previous night also, he was performing duty at the bus stand. He alleged that in the morning of 13.11.2023 at about 2:40 AM, he received information about his father sustaining injuries and about his being taken to General Medical College, Sector-32, Chandigarh. He stated that on reaching there, he found several injuries on the person of his father. He came to know that 3-4 youths who were boarding a Duster vehicle bearing registration No.HR-19G-8118 had entered into an altercation with his father and caused injuries to him when his father stopped them to park a vehicle at wrong place. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of dead body of the victim Rajbir Singh was also conducted. During the course of investigation, the complainant recorded his statement thereby disclosing the names of the petitioner and the co-accused as the persons who had caused injuries to the victim. The petitioner and co-accused were arrested on 15.11.2023. The petitioner suffered disclosure statement admitting his involvement in the subject crime. He along with the co-accused got recovered the vehicle used at the time of occurrence. On further investigation, offence under Section 302 of IPC was deleted whereas the offence under Section 304 of IPC was added. Investigation has since been completed. The petitioner had filed an application for grant of regular bail before the learned trial Court which has been dismissed vide order dated 22.04.2024.”

3. Learned counsel for the petitioner has argued that since the date of dismissal of his first petition, there is substantial change in circumstances

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as the complainant and eye-witness have since been examined and have not implicated the petitioner in the commission of the subject offences. Apart from the evidence of these two witnesses, no other evidence had been collected by the prosecution to connect the petitioner with the subject crime. The petitioner is in custody since 15.11.2023. The trial is likely to take time. His further detention would not serve any useful purpose. Even otherwise, co-accused Jatin has already been granted concession of regular bail by this Court, vide order dated 29.01.2025 passed in **CRM-M-58299-2024**. On the grounds of parity, the petitioner too deserves the same benefit. Accordingly, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has opposed the prayer of the petitioner by arguing that there are serious allegations against the petitioner and only the eye-witness has not supported the prosecution version. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.

6. The petitioner along with the co-accused is alleged to have caused injuries to the victim while having an altercation with him on the fateful night. The victim had succumbed to his injuries. The eye-witness Usman @ Babu has been examined by the prosecution as PW-1. Copy of the sworn deposition of this witness has been placed on record, a perusal of which shows that he did not implicate the petitioner in commission of the subject offence and stated that he was not the assailant of the victim. Copy of the sworn deposition of the complainant/PW-2 has also been placed on record and a perusal of the same reveals that although the complainant, in his

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examination-in-chief, had stated that the petitioner was amongst the co-accused who had inflicted injuries to the victim but during his cross-examination, he had stated that he had come to know that the petitioner and the co-accused had attacked his father/victim and is also shown to be admitted by him that he was not an eye-witness to the occurrence and could not tell as to how his father sustained injuries. The name of the petitioner and co-accused had been told to him by some police official. The name of that police official had not been disclosed by him. Co-accused Jatin has already been granted concession of regular bail by this Court, as mentioned above. Keeping in view the nature of the evidence which has come on record in the forms of statements of the above discussed two material witnesses, the period spent by the petitioner in incarceration coupled with the fact that the trial is likely to take time, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

17.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>