

2025:PHHC:095446



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

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**CRM M-8429 of 2025
Date of Decision: 22.07.2025**

Raj Kumar

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rahul Vats, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483(3) read with Section 528 of the BNSS, 2023 with a prayer to set-aside the impugned order dated 04.05.2024 passed by the Court of Additional Sessions Judge, Jhajjar, whereby, the concession of bail was granted to respondent No. 2 in a case FIR No. 232 dated 21.11.2023 under Sections 148, 149, 307, 323 and 506 of IPC, Police Station Sadar Bahadurgarh, District Jhajjar

2. The FIR in the present case has been registered on the basis of the statement made by Raj Kumar and the same has been reproduced below:-

“To, The SHO, Police Station Sadar Bahadurgarh. Sir, It is submitted that I, Raj Kumar son of Satish am a

resident of Kulasi. I and Sandeep, my brother who is my cousin, were sitting in our vehicle No.HR 13Q 0238 in front of our shop. From the side of Ladrawan, Pawan S/O Raj Pal, Village Kulasi came by his vehicle Wagon R HR 29X 6541. We started talking when he started rebuking. So, a quarrel took place between us. The families of both sides intervened and settled the issue between us. Thereafter, taking his vehicle, Pawan left towards his house whereas Sandeep and the members of my family kept standing there in front of our house. Pawan S/O Rajpal, with his car suddenly hit straight his car which hit my aunt (Tai) Bhateri wife of Dharmpal, resident of Kulasi who was standing by our side. Due to straight hit of car, my aunt suffered serious head injury. This injury is caused by Pawan knowingly by hitting with his car. Thereupon, Pawan was going by taking his car and was loudly threatening to kill. We were taking our aunt Bhateri to hospital who was seriously ill, he again hit. This hit was by Pawan to my Aunt Bhateri with intention to kill. Appropriate legal action may be taken against Pawan. In this quarrel, his brother Govind, his father Rajpal, his mother Lakshmi and his wife Punam were also involved. Appropriate action may be taken against them also. Sd/- Raj Kumar”.

2. Learned counsel for the petitioner contends that after the registration of the FIR, the respondent No.2 was arrested in the present case on 22.11.2023 and was granted the concession of regular bail by the trial Court on 04.05.2024 as the local police had openly favoured the respondent No. 2 and did not present the complete facts before the Court. It was apparent from the prosecution that some

altercation had taken place initially between accused and Smt. Bhateri, since deceased and in anger, the accused drove back his Wagon-R car and hit Smt. Bhateri. Even, as per the first MLR of Medicity Hospital, Bhateri, injured had suffered injuries on the head and wrist whereas at the time of postmortem examination, the injuries were increased to nine. Even, the trial Court failed to take into account the mechanical inspection report, which clearly proved that the petitioner had intentionally hit his car with the deceased and she had succumbed to the injuries. Apart from that, the charge was framed under Section 302/506 IPC and no witness has been examined so far. Thus, there were chances of tampering with the prosecution evidence and bail could not have been allowed to respondent No. 2.

3. I have heard learned counsel for the parties and perused the record.

4. In the present case, the respondent No. 2 was initially arrested on 22.11.2023 and after his arrest, the *challan* was presented before the competent Court. After allegedly being hit by the respondent No. 2, Smt. Bhateri was taken to Braham Shakti Sanjivani Hospital, Bahadurgarh. As per the admission and discharge card of the said hospital, the cause of sustaining the injuries was disclosed to the doctor as road side accident. Even when Smt. Bhateri was taken to Medicity Hospital, Gurugram, it was again conveyed to the doctor that incident was road traffic accident caused by unknown mechanism. Apart from that, while Smt. Bhateri was taken to the

hospital, her car was hit with another car of Deepak, who recorded a DDR No. 31 dated 21.11.2023. Thus, apart from the accident caused by the respondent, Bhateri had also met with another accident and the police had collected sufficient fresh evidence in this regard.

5. Thus, in view of the above facts, the trial Court is yet to adjudicate as to whether Smt. Bhateri died because of a road side accident or her death was caused by respondent No. 2 or any other person. Apart from that, the cause of death in the death certificate was mentioned as cardio pulmonary arrest and head injury. Even, the petitioner has alleged that the head injury had caused the cardio pulmonary arrest, but all these moot points are yet to be decided by the trial Court at an appropriate stage of the trial.

6. At this stage, this Court is clearly conscious of the fact that the respondent No. 2 had already remained in custody for almost 05 months and *challan* had been presented against him.

7. Apart from this, the Hon'ble Supreme Court in the matter of ***M. Dharmarajam and others Vs. State of Telangana and another***, 2020 (1) RCR CrI. 540 has held as under:

“The factors to be considered while granting bail have been held by this Court to be the gravity of the crime, the character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the evidence and witnesses, and obstructing the

course of justice etc. Each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into account by the Court. The court has to only opine as to whether there is prima facie case against the accused. For the purpose of bail, the Court must not undertake meticulous examination of the evidence collected by the police and comment on the same.”

*8. In **Raghubir Singh v. State of Bihar** this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.*

9. It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court

or the Sessions Court would be justified in cancelling the bail.”

10. In the present case, the respondent No. 2 has already suffered the custody of about 05 months and the trial is at the initial stage and even, there is no material on record to show that the respondent No. 2 is in a position to influence the witnesses of the prosecution or he may abscond from the process of law. Consequently, without making any comments on the merits of the case, the present petition is ordered to be dismissed.

22.07.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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